

DEPARTMENT OF BUILDING AND DEVELOPMENT
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: May 21, 2007

CASE NUMBER/CASE NAME: ZOAM 2006-0003 and ZOAM 2007-0001
Zoning Ordinance Annual Review

DECISION DEADLINE: At the Pleasure of the Board

ELECTION DISTRICT: Countywide

PROJECT PLANNERS: Melinda Artman
Marilee Seigfried
Amy Lohr

EXECUTIVE SUMMARY

On December 19, 2006 and April 17, 2007, the Board of Supervisors adopted resolutions of intent to amend the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") to implement the recommendations made by the Zoning Ordinance Review Committee (ZORC) as transmitted to the Board on February 10, 2006. In addition, the Planning Commission adopted a resolution of intent to amend on April 30, 2007. In order to implement these resolutions, amendments to Articles 1 through 8 of the Zoning Ordinance are necessary.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZOAM 2006-0003 and ZOAM 2007-0001 to committee for further discussion.

Or,

2. I move that the Planning Commission forward ZOAM 2006-0003 and ZOAM 2007-0001 to the Board of Supervisors with a recommendation of approval of the ZORC Redline Draft dated February 10, 2006, as amended by the document titled "Addendum to the ZORC Redline Draft" dated May 9, 2007.

Or,

3. I move an alternative motion.

I. BACKGROUND:

The Planning Commission was briefed on the proposed Zoning Ordinance Amendments on January 29, 2007. A public input session was held on February 12, 2007 and written comment was also accepted. The Planning Commission held work sessions on March 5, March 12, April 2, April 9, April 23, and April 30, 2007. Staff identified several issues for Planning Commission input. The Planning Commission's recommendations on the issues identified by staff are summarized in Matrix 1 and Matrix 2 and included as Attachments 1 and 2 to this report. Text changes in response to the Planning Commission's recommendations are in the Addendum to the ZORC Redline Draft, dated May 9, 2007, included as Attachment 3 to this report.

On March 6, 2007, the Planning Commission presented a list of additional Zoning Ordinance Amendments to the Board of Supervisors for consideration with this annual review process. The Board directed the Zoning Administrator and the Planning Commission to work on a streamlined list of items to be included for review and to return to the Board at a later date. The copy teste of this action is included as Attachment 4.

On April 17, 2007, the Planning Commission presented a streamlined list to the Board of Supervisors. The Board adopted a resolution of intent to amend the Zoning Ordinance to include the amendments listed below. The copy teste of this action is included as Attachment 5. Draft language is included in the Addendum to the ZORC Redline Draft. [Attachment 3]

1. As A-3 is being amended by ZORC regarding indoor recreation in [the] A-3 District (A-3 is usually close to Towns), expand intent to amend under this item to include examination to allow indoor recreation an appropriate distance beyond the JLMA's and Town boundaries.
2. Expand intent to amend to include adding a Remedy to Steep Slope violations so that errors can be appropriately mitigated.
3. Consider changing the definition of farm market as having to produce 25% of the produce on site to producing 25% of the produce within the County.
4. Revise performance standards for Agriculture, Horticulture and Animal Husbandry [Section 5-626], Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry) [Section 5-627] and Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry) [Section 5-630] to resolve discrepancies for minimum lot size and setbacks.
5. Revise limitations for freestanding off-street parking facilities in PD-TRC [Section 4-1111(C)].
6. Revise residential districts in Articles 2 and 3 to reflect density (dwellings per acre) and provide consistency with density credit regulations in Article 1.
7. Revise performance standards for Airport/Landing Strip to increase the minimum lot area [Section 5-633].

8. Revise Definitions [Article 8] to add a definition for “solid waste vehicles and containers” to fully implement ZORC recommendation.
9. Revise the PD-IP use list to add “contractor service establishment, excluding retail sales and outdoor storage” to the permitted use list in PD-IP, rather than a special exception use [Sections 4-503 and 4-504].
10. Revise performance standards for retail uses in PD-IP [Section 4-507(E)].
11. Revise Temporary Uses/Zoning Permits to clarify that this section pertains to all zoning districts [Section 5-500].
12. Revise steep slope definitions and development standards to differentiate between man-made and natural slopes, clarify review procedures for development in steep slopes areas and permit the development of sanitary sewer lines in very steep slope areas, subject to development standards. [Section 5-1508 and Article 8].

On April 30, 2007, the Planning Commission adopted a resolution of intent to amend the Zoning Ordinance to permit water lines in very steep slopes, subject to development standards. Draft language is included in the Addendum to the ZORC Redline Draft. [Attachment 3]

II. SUMMARY OF CHANGES:

Article 1:

- Section 1-100, Title, Purpose and Intent and Application of Ordinance: Amend height limitation exemptions and Route 28 Tax District elections.
- Section 1-200, Interpretation of Ordinance: Amend lot access requirements, length/width ratio measurement, and reduction in minimum yard, setback and buffer requirements based on error in building location, Amend calculation of density credit for public uses to include roads.
- Section 1-400, Nonconformities: Add exception for repair or replacement in Floodplain Overlay District, Enlarge exception for existing lots that do not meet lot requirements of the district, Add provision for hamlets, Amend boundary line adjustments provision, and Increase time period for abandonment or discontinuance of use.

Article 2:

- AR-1 AGRICULTURAL RURAL-1 and AR-2 AGRICULTURAL RURAL-2 District use lists: Add Recreation Establishment, Indoor.
- A-10 AGRICULTURE, A-3 AGRICULTURAL RESIDENTIAL, CR-1, CR-2, CR-3 and CR-4 COUNTRYSIDE RESIDENTIAL District use lists: Delete “Portable Dwelling/Trailer during Construction of Primary Residence” and “Construction and/or sales trailer.”
- A-10, A-3, and TR-10 District use lists: Amend provisions regarding Yard Waste Composting Facility and Vegetative Waste Management Facility (formerly “yard waste composting” and “vegetative waste composting facility.”)
- A-3 District use lists: Amend Recreation Establishment to include “indoor.”

- A-10, A-3, CR-1, CR-2, CR-3, and CR-4 District regulations: Increase various maximum length/width ratios.
- A-3 District regulations: Add separate lot coverage limitation for non-residential uses.
- CR-1, CR-2, CR-3, CR-4, RC, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-10, TR-3, TR-2, and TR-1 District regulations: Increase maximum building heights.
- CR-1, CR-2, CR-3, and CR-4 District regulations: Amend Development Setback and Access from Major Roads provisions; Add Lot Yield requirement for subdivisions on private well and septic systems.
- RC RURAL COMMERCIAL District use lists: Add, amend or move: Restaurant including carry out, Training Facility as accessory to Permitted Use, and Training Facility as Special Exception use.
- RC District regulations: Increase maximum square footage limit of single permitted use and exempt certain uses from such limit; delete special exception requirement for any one use exceeding 50% of district gross floor area; Increase maximum length/width ratio; and add provision regarding Development Setback and Access from Major Roads.
- JLMA District use tables: Delete Model home, Portable dwelling/trailer during construction of primary residence, and Construction and/or sales trailer during period of construction activity from use tables in JLMA-1, JLMA-2, and JLMA-3; and Add Private School to use table in JLMA-3.
- TR-1, TR-2, TR-3, and TR-10 District use tables: Delete Portable dwelling/Construction trailer.
- TR-1, TR-2, TR-3, and TR-10 District regulations: Add references to Section 5-900 Setbacks From Specific Roads and the W&OD Trail to the Development Standards and the Minimum Yards provisions, and Modify minimum yard requirements.

Article 3:

- R-1, R-2, R-3, R-4, R-8 SINGLE FAMILY RESIDENTIAL, R-16 TOWNHOUSE/MULTIFAMILY RESIDENTIAL and R-24 MULTIFAMILY RESIDENTIAL District use lists: Delete Portable dwelling/trailer during construction of primary residence and Construction and/or sales trailer during period of construction activity from use lists.
- R-1, R-2, R-3, R-4, R-8, R-16 and R-24 District regulations: Increase maximum building heights; Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900; Increase various maximum length/width ratios in R-1, R-2, R-3, R-4, R-8; Increase Lot Coverage maximum in R-1.
- R8 and R-16 Yard requirements: Amend Side and Rear yard provisions to “no requirement” on or along common walls.
- R-16 and R-24 District regulations: Delete provision prohibiting any one structure from containing more than 64 multifamily dwelling units.
- GB GENERAL BUSINESS District: Increase maximum building heights; Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900.
- CLI COMMERCIAL LIGHT INDUSTRY District use lists: Add Motel to use list.
- CLI District regulations: Reduce yards adjacent to roads except where Section 5-900 Setbacks From Specific Roads applies; Increase maximum building heights and decrease required

additional yard setbacks for excess building height; and amend limitation on direct access to roads in primary system by adding "right-turn-out."

- MR-HI MINERAL RESOURCE-HEAVY INDUSTRY District use lists: Delete "Motor vehicle storage and impoundment, accessory to an approved principal use" and "Stump processing plant."; Change "Vehicle storage, outdoor" to "Outdoor storage, vehicles" and "Vegetative waste composting facility" to "Vegetative waste management facility"; and Add "Storage of empty solid waste vehicles and containers," and add reference to Section 5-607(D) to Materials Recovery Facility.
- MR-HI District regulations: Increase maximum building heights; Add provision for Development Setback and Access from Major Roads provisions by reference to Section 5-900.

Article 4:

- PD-H PLANNED DEVELOPMENT-HOUSING District regulations: Delete limitation on maximum impervious surface for various non-residential uses; Delete maximum lot coverage limit and delete restriction against direct access to major roads for Shopping Centers; Replace restriction against direct access from major roads with reference to Section 5-900 for Convenience Establishments; and Increase maximum building heights at edge of District.
- PD-CC PLANNED DEVELOPMENT-COMMERCIAL CENTER District use lists: Combine medical, dental office with administrative, business and professional office on use lists and require special exception approval for all such office uses in excess of 20% of gross floor area of Center; Add Training Facility accessory to permitted or special exception use and Interactive Science and Technology Center to Permitted Use lists; Add Motorcycle or ATV sales, rental, repair and associated services to permitted uses; Add Day Care Center For Pets, Indoor Kennel, Training Facility, and Motel to Special Exception uses; Change threshold for requiring special exception for Office use to 20% of total floor space of Center.
- PD-CC District regulations: Add 50% or 5000 sq. ft. limitation on uses without Special Exception to the Purposes section for CC (NC); Increase maximum building heights; Amend restriction against primary access and through traffic impacting residential neighborhoods; and Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900.
- PD-OP PLANNED DEVELOPMENT-OFFICE PARK District use lists: Add Training Facility to permitted uses; and Combine Motel with Hotel, subject to Section 5-611.
- PD-OP District regulations: Amend requirement to be located on primary highway; Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and Amend prohibition against parking visible from road; Increase maximum building heights; Delete Section 5-1414 Buffer Yards reference and 5-foot limit for yards between buildings; Delete provisions for modification of maximum Lot Coverage; Increase maximum permitted Floor Area Ratio (FAR) and Delete FAR averaging provisions; Amend Site Planning requirements (efficient groupings, smooth traffic flow, park-like character, screening of storage and refuse collection, etc.); Amend restriction against primary access and through traffic impacting residential neighborhoods; and Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900.

- PD-RDP PLANNED DEVELOPMENT-RESEARCH AND DEVELOPMENT PARK District use lists: Add Training Facility to permitted uses; Delete “drop off and pick up” from Post Office use; Add Hotel to special exception uses.
- PD-RDP District regulations: Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and Amend prohibition against parking visible from road; Delete Section 5-1414 Buffer Yards reference and 5-foot limit for yards between buildings; Increase maximum building heights; Increase maximum permitted FAR and Delete FAR Increase provisions; Reduce minimum percent of total floor space required to be for R&D uses and allow educational uses to count toward percentage; and Replace Access from Major Roads provisions with reference to Section 5-900.
- PD-IP PLANNED DEVELOPMENT-INDUSTRIAL PARK District use lists: Delete use limitations for Office, administrative, business and professional uses; Add requirement for “scheduled” lessons for dance, etc. facilities; Add “mosque” to “Church, synagogue and temple” use; Add “Training Facility”, “Interactive Science & Technology Center”, “Camp, Day”, and “Outdoor Storage, Accessory, up to 10% of gross floor area” to permitted uses; Move “Child Care Center,” “Contractor service establishment, excluding retail sales and outdoor storage” and “School, public and private” from special exception to permitted use list; Move “Recreation Establishment, outdoor” from special exception to permitted use list and Add “or indoor”; Delete “drop off and pick up” from Post Office use. Under special exception uses, Delete private school accessory to church, Add “in excess of 10% of gross floor area” to Outdoor Storage, Add Motorcycle or ATV sales, rental, repair and associated services, and Add Animal Hospital.
- PD-IP District regulations: Add “office uses” to purpose section and Amend requirement to be served by major road; Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and Amend prohibition against parking visible from road; Delete Section 5-1414 Buffer Yards reference and 5-foot limit for yards between buildings; Increase maximum building heights; Add provision to permit FAR increase by Special Exception; For Retail Sales accessory to warehousing facilities Delete storage/location limitation, Increase parking requirement, and Add Limitation to restrict operations to Friday through Monday; Amend restriction against primary access and through traffic impacting residential neighborhoods; and Replace Access from major roads provisions with reference to Section 5-900; Add provision to allow parking of 2-axle vehicles on-site of permitted use.
- PD-GI PLANNED DEVELOPMENT-GENERAL INDUSTRY District use lists: Under Permitted uses: Add Training Facility; Under Special Exception uses: Add “mosque” to “Church, synagogue and temple” use, Delete “wood processing facility”, Change “Stump processing plant” to “Vegetative waste management facility”, Change “Storage, outdoor, of major recreational equipment” to “Outdoor Storage, Vehicles”, and Add “Storage of empty solid waste vehicles and containers” and “Motorcycle or ATV sales, rental, repair and associated services.”
- PD-GI District regulations: Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and amend prohibition against parking visible from road; Increase maximum building heights; Add provision to allow parking of 2-axle vehicles on-site of permitted use; Amend restriction against primary access and through traffic impacting residential neighborhoods; Replace Access from Major Roads provisions with reference to

Section 5-900.

- PD-SA PLANNED DEVELOPMENT-SPECIAL ACTIVITY District use lists: Combine “Motel” with “Hotel” and subject to Section 5-611 Additional Regulations.
- PD-SA District regulations: Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and Amend prohibition against parking visible from road; Amend restriction against primary access and through traffic impacting residential neighborhoods; Replace Access from Major Roads provisions with reference to Section 5-900.
- PD-TC PLANNED DEVELOPMENT-TOWN CENTER District use lists: Add “Motel” to “Hotel”, and add “or indoor” to Recreation Establishment, within Town Center Core.
- PD-TC District regulations: Reduce minimum yard requirements adjacent to roads, subject to Section 5-900 setbacks, and Amend prohibition against parking visible from road; Amend restriction against primary access and through traffic impacting residential neighborhoods; Replace Access from Major Roads provisions with reference to Section 5-900.
- PD-CV PLANNED DEVELOPMENT-COUNTRYSIDE VILLAGE District use lists: Delete “Portable Dwelling/Construction Trailer” and “Construction and/or Sales Trailer” from Use Table.
- PD-CV District regulations: Replace Access from Major Roads provisions with reference to Section 5-900.
- PD-TREC PLANNED DEVELOPMENT-TRANSIT RELATED EMPLOYMENT CENTER District use lists: Change “Hotel” to “Hotel/Motel” in the Use and Use Limitations lists.
- PD-TREC District regulations: Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900; Delete requirement for roads to be constructed to VDOT standards.
- PD-TRC PLANNED DEVELOPMENT-TRANSIT RELATED CENTER District use lists: Change “Hotel” to “Hotel/Motel” in the Use and Use Limitations lists.
- PD-TRC District regulations: Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900; Delete requirement for roads to be constructed to VDOT standards; Delete requirement to enclose first floor of off-street parking structure.
- PD-RV PLANNED DEVELOPMENT-RURAL VILLAGE District use lists: Permitted Uses: Delete requirement for Public Water and Wastewater Facilities to have been identified on a concept development plan, Delete “Portable dwelling/trailer during construction of primary residence” and “Construction and/or sales trailer during period of construction activity”, and Change Adult day care home to Adult day care center; Special Exception Uses: Add Rural Retreats and Resorts, Change “Hotel” to “Hotel/Motel”.
- PD-RV District regulations: Amend calculation to permit increase in bonus dwelling units based on Conservancy Lot acreage; In Conservancy and Satellite Conservancy sub-districts, increase maximum length/width ratio, and Delete Lot Coverage minimum and change maximum to 8% for single family and 25% for all other; For Village Center Single Family Detached, Increase Front Yards for lots over 10,000 sq. ft.; For Commercial/Workplace Lots, Increase maximum lot width, and Add and modify maximum and minimum front yards/setbacks; Change the 6 foot behind front façade requirement for “garages and carports” to “front load garages and carports”.
- PD-AAAR PLANNED DEVELOPMENT-ACTIVE ADULT/AGE RESTRICTED District Regulations: Amend side and rear yard provisions to No Requirement along common walls;

Reduce amount of additional setback required for excess Building Height; Replace Development Setback and Access from Major Roads provisions with reference to Section 5-900.

- FOD FLOODPLAIN OVERLAY DISTRICT Use lists: Permitted Uses: Delete the 7 lot limit for private drive crossings, Delete Private Lanes, and Delete the references to low density development and the A-25 District; Insert requirement for new construction of Incidental structures to comply with FEMA regulations for new construction.
- FOD District regulations: Insert “by waters of the 100-year flood” into the Purpose and Intent section; Amend list of examples of “Alterations”; Clarify the definitional distinction between the two types of floodplain; Change “right-of-way” to “roadway” in definition of road crossing; Amend definition of Stormwater Management Improvements by including “subsurface” improvements and add reference to FSM; Amend list of sources of delineation of floodplain; Move provisions regarding watershed map of Loudoun County to section containing requirements for official Floodplain Map of Loudoun County, Amend requirements for official Floodplain Map, and apply the said Map to all development in floodplain subject to adjustment by the Zoning Administrator in consultation with Director of Building and Development; Amend Density Calculations provisions to permit land in any portion of FOD to be included as part of land area in calculating permitted FAR.
- VCOD VILLAGE CONSERVATION OVERLAY DISTRICT regulations: Change Front Yards requirement from “equal to the average” to “consistent with” buildings on same side of street; Amend building height limitation; Amend requirements for sidewalks and sidewalk connections to relate to existing and proposed sidewalks contiguous or within 100 feet; Exempt renovations and additions to existing residences from sidewalk requirements; Amend Garage setback provision to apply only to “Front-loaded” garages.

Article 5:

- Section 5-1100, Off-Street Parking and Loading Requirements: Add general provision regarding when on-street parking may be used to meet parking requirements; for Additions or Change of Use, supplement “10 or more spaces” with “or 10% whichever is greater” and provide for administrative adjustments instead of Special Exception; Revise review procedure for parking/loading plans and reductions.
- Section 5-1100, Off-Street Parking and Loading Requirements: Under Use Groups, Change Convalescent to Continuing Care, Change Child Care to Day Care, Move funeral homes, mortuaries, crematoria, civic/social/fraternal meeting places to Public Assembly, and change Public Assembly to Places of Worship.
- Section 5-1100, Off-Street Parking and Loading Requirements: Under Additional Rules for Computing, Delete reference to ITE Trip Generation Manual.
- Section 5-1100, Off-Street Parking and Loading Requirements: Table 5-1101 Required Parking and Loading Spaces: Change Single Family to Single Family Detached, Increase minimum to 3.0/d.u. in all except agricultural districts, and Add provision for Tandem parking to count as 2 spaces; Add separate category for Single Family Detached with requirement set at 3.0/d.u. and provisions regarding garage and driveway, off-lot and tandem parking; Change Congregate Housing Facilities to Nursing Homes and decrease required rate

per resident for that category; Revise category size for Smaller Shopping Centers up to 60,000 sq. ft. and increase required rate; Revise category size for Larger Integrated Shopping Centers to over 60,000 sq. ft.; Decrease required rate for Personal Care Services; Decrease required rate for Restaurants; Combine Medical Offices into the General Office category and requirements; Add "multi story or single entrance" to Mini Warehouse category and change rate to "per employee"; Change Public Assembly to Places of Worship.

- Section 5-1100, Off-Street Parking and Loading Requirements: Under Adjustments to Parking Requirements, Change Procedure for reductions from Special Exception to Administrative approval by Zoning Administrator and insert a 20-year period for the covenant to provide additional spaces; Add "contiguous parcels" to the Shared parking provisions; Add optional provision for applying for reduction by Special Exception.
- Section 5-1200, Sign Regulations: Under the Table 5-1204(D) Sign Requirements Matrix, Revise the requirements for Non-PDH Residential Communities-Entrance Signs.
- Section 5-1400, Buffering and Screening: Under Buffering and Screening Standards, clarify that dbh (diameter at breast height) measured 4.5 feet above ground; Provide that BOS or Board of Zoning Appeals (BZA) may modify pursuant to application and that such modifications govern over Ordinance requirements; Provide for required landscaping to be compatible with sight distance easements; Insert reference to exceptions; Require Type 3 Front Yard Buffer for all properties fronting on existing or planned 4-lane divided roads.
- Section 5-1400, Buffering and Screening: Under Landscaping Plans, insert reference to FSM for details for landscaping plans and delete details as to scale, dimensions, etc., and Revise bonding to require only what is shown on plan to be bonded and completed; Correct reference to exceptions.
- Section 5-1400, Buffering and Screening: Under Buffer Yards and Screening, insert reference to exceptions; Insert provision clarifying that buffering and screening requirements by BOS or BZA govern over Ordinance requirements.
- Section 5-1400, Buffering and Screening: Under Determination of Buffer Yard Requirements, for development adjacent to pre-existing use, Delete reference to effective date of Ordinance; For development subsequent to this Ordinance, insert "January 7, 2003"; For development adjacent to vacant property, Delete requirement for Zoning Administrator determination; In Special Situations provision regarding property adjoining arterial roads, insert "VCOD" into the list of excepted districts; Revise provision regarding adjoining property within zoned municipality.
- Section 5-1400, Buffering and Screening: Under Buffer Yard and Screening Requirements, amend requirement that width of minimum buffer governs over minimum yard or setback.
- Under Buffer Yard Waivers and Modifications: Add PD-OP and PD-RDP into list of districts where Zoning Administrator may waive, modify, etc., requirements, and Delete provision for screen wall or buffer yard where yard visible from R-O-W; Expand the "school use" waiver provision to a general waiver provision based on security concerns.
- Section 5-1400, Buffering and Screening: Under Parking Lot Landscaping, clarify that landscaped areas between buildings and parking lots not considered as parking lot landscaping; Delete requirements for, and references to, curbs for landscaped areas.
- Section 5-1400, Buffering and Screening: Under Peripheral Parking Lot Landscaping, reduce requirements for peripheral landscaping and landscaping strips; Amend screening

requirements for parking and vehicle traffic lanes;-Delete exception from requirement for 10-foot strip between parking lot and R-O-W.

- Section 5-1400, Buffering and Screening: Under the Table 5-1414(A) Buffer Yard and Screening Matrix, Delete, Add new, or Revise some or all of the, requirements in each of the 13 Proposed Land Use Groups; Add Flex Industrial and Warehousing & Storage Facility to Group 8; In Group 10, Delete Warehousing & Storage Facility and Long Term Vehicle Storage and Add Outdoor Storage, Vehicles.
- Section 5-1400, Buffering and Screening: Insert a new Table 5-1414(B) "Required Plantings per 100 Lineal Feet of Property Line" to set forth the requirements for front, rear and side yards for Canopy, Understory, Shrubs, Evergreens, and other (fence or berm) and Amend the current columnar listing of such requirements.
- Section 5-1504, Light and Glare Standards: Under Light and Glare, add provision establishing higher maximum illumination standard for "lighting at publicly owned facilities used for athletic competition"; Add provision for special exception for lighting that does not comply with standards.
- Section 5-1508, Steep Slope Standards: Under Steep Slope Standards, revise the Single Family Dwelling Exemption to exempt only a single residential use on lot existing June 16, 1993; Add water lines and sanitary sewer lines to Permitted Use list with Development Standards in Very Steep Slopes; Add new sub-section establishing additional review procedures and development criteria to require land disturbing activities to avoid steep slopes to the greatest extent possible.

Article 6:

- Section 6-403, Submission Requirements: Amend provisions for Disclosure of Real Parties in Interest to coincide with Virginia Code.
- Section 6-406, Full Disclosure of Development Plans: Add requirement to provide copy of "proposed" subdivision plat and copy of portion of Countywide Transportation Plan map for vicinity of the new home; Delete option for required documents to be at an office in immediate vicinity.
- Section 6-700, Site Plan Review: Exclude from site plan requirement (a) non-residential permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category of the AR-1 and AR-2 Districts that do not involve access by the public, and (b) all agricultural, horticulture, and animal husbandry permitted uses.
- Sections 6-200, Board of Zoning Appeals and Section 6-1600, Variances: Add provisions for BZA to approve Special Exception for Error in location of structures within Very Steep Slopes.
- Section 6-1700, Appeals: Amend provision for Appeals to BZA to coincide with Virginia Code.

Article 7:

- Section 7-102, Applicability: Amend threshold density to 1 unit per 40,000 sq. ft. and

- exempt land zoned R-1, CR-1, TR-1, and JLMA-1.
- Section 7-800, R-8 Single Family Residential District: Under Yards, Single Family Attached, amend side yard provision to “no requirement on common walls”, and decrease rear yard, with no requirement on common walls.
- Section 7-800, R-8 Single Family Residential District: Under Lot Coverage, amend the maximum to various maximums according to dwelling type.
- Section 7-900, R-16 Townhouse/Multi-family District: Under Yards, Single Family Attached: amend side yard provision to “no requirement on common walls”, and decrease rear yard, with no requirement on common walls.
- Section 7-900, R-16 Townhouse/Multi-family District: Under Lot Coverage, amend the maximum to various maximums according to dwelling type.

Article 8:

Adding, Amending, Deleting, or otherwise Revising the following definitions:

- Church, synagogue, temple or mosque.
- Conservancy Lot.
- Dormitory, seasonal labor.
- Heavy Equipment and Specialty Vehicle Sales and Accessory Service.
- Farm Market.
- Impervious Surface.
- Interactive Science & Technology Center.
- Landfill Water Service District.
- Landfill, Sanitary.
- Lot Coverage.
- Material Recovery Facility (MRF).
- Model home.
- Moderately Steep Slope Area.
- Outdoor Storage, Accessory.
- Outdoor Storage, Vehicles.
- Recreation Establishment, Indoor.
- Recreation Establishment, Outdoor.
- Recreation Space, Active.
- Religious Assembly.
- Research and Development Use.
- Road.
- School (elementary, middle and high).
- Setback (for Section 5-600).
- Setback.
- Shopping Center.
- Sign.
- Sign, Area of.
- Solid Waste.
- Solid Waste Container.

- Solid Waste Incinerator.
- Solid Waste Management Facility (SWMF).
- Solid Waste Vehicle.
- Tenant Dwelling.
- Testing Station.
- Training Facility.
- Vegetative Waste Management Facility.
- Very Steep Slope Area.
- Yard Waste Composting Facility.

III. OUTSTANDING ISSUES:

Section 1-404(C), Boundary Line Adjustments:

The Planning Commission directed staff to develop new text expanding the scope of boundary line adjustments for nonconforming lots. Staff added language allowing for boundary line adjustments to correct survey inconsistencies. In addition, in the AR-1 and AR-2 zoning districts, boundary line adjustments may correct instances where existing structures, fences, private driveways and the like are located on an adjacent lot, rather than the lot they are intended to serve, provided the resulting lot area is not less than 80,000 square feet. The full text is included on page A14.

Changes to Article 3, R-districts:

In the R-districts, ZORC's changes include increased lot coverage, increased building heights, increased length to width ratio and decreased rear yards. Staff originally commented that the cumulative impact of these changes results in a more urban, rather than suburban development pattern. The Planning Commission directed Staff to provide a more detailed description of the changes. As the Planning Commission recommended no decrease to rear yards and no increase to lot coverage in R-8 and R-16, the cumulative impact is reduced.

- R-1: Length/width ratio increases from 3:1 to 5:1 maximum; Lot coverage increases of 5% and 10%; Building height increase from 35 feet to 40 feet maximum for single family detached.
- R-2: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height increase from 35 feet to 40 feet maximum for single family detached.
- R-3: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height increase from 35 feet to 40 feet maximum for single family detached.
- R-4: Length/width ratio increases from 3:1 and 4:1 to 5:1; Building height increase from 35 feet to 40 feet maximum for single family detached.

- R-8: Length/width ratio increases from 4:1 to 5:1; Building height increase from 35 feet to 40 feet for single family detached and to 45 feet for single family attached.
- R-16: Building height increase from 35 feet to 45 feet for single family attached and multifamily; 55-foot building height maximum for multifamily with additional setback.
- R-24: Building height increase from 35 feet to 45 feet for multifamily; 60-foot building height maximum for multifamily with additional setback.

Section 4-203(D), Regional Center

ZORC added “motorcycle or ATV sale, rental, repair and associated service” to the list of permitted uses in the PD-CC(SC), Small Regional Center district. For consistency, staff suggests this use also be added to the list of permitted uses in the PD-CC(RC), Regional Center district as Section 4-203(D) as part of a future Zoning Ordinance Amendment.

Section 4-501, Purpose

The Planning Commission recommended that office remain a special exception use in the PD-IP zoning district. Therefore, staff recommends that “office uses” be deleted from the purpose of the district.

Section 4-1511, Density Calculations

The Planning Commission directed staff to provide text that would give density credit for major floodplain in nonresidential development. Staff added a new section to the deal with nonresidential density calculation, which provides that up to 25% of the total land area encumbered with major floodplain may be included when calculating permitted floor area for a parcel, as opposed to counting all floodplain areas per the ZORC recommendation. The full text is included on page A28.

Section 5-1504, Light and Glare:

The Planning Commission directed staff to assess the needs of Loudoun County Public Schools (LCPS) in regard to lighting of athletic facilities. Staff is working with the LCPS and will provide additional information at the time of the public hearing.

Section 5-1414(B), Buffer Yard:

The Planning Commission directed staff to develop minimum and maximum buffer yard widths to accompany the standards proposed by ZORC. The proposed buffer yard requirements are contained in the following table and on page A24.

Table 5-1414(B)**Required Plantings per 100 Lineal Feet of Property Line**

<u>Buffer Yard Type</u>	<u>Canopy Trees</u>	<u>Understory Trees</u>	<u>Shrubs</u>	<u>Evergreen Trees</u>	<u>Other Requirements</u>
(1) Type 1					
<u>Front</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
(2) Type 2					
<u>Front</u>	<u>3</u>	<u>2</u>	<u>10</u>	<u>0</u>	<u>15' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>4</u>	<u>10</u>	<u>2</u>	<u>20' minimum width</u> <u>30' maximum width</u>
(3) Type 3					
<u>Front</u>	<u>3</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>4</u>	<u>25' minimum width</u> <u>30' maximum width</u>
(4) Type 4					
<u>Front</u>	<u>4</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>8</u>	<u>25' minimum width</u> <u>30' maximum width</u> <u>A Six foot high fence,</u> <u>wall, or berm providing a</u> <u>minimum opacity of 95%</u>

Definition of Conservancy Lot:

The Planning Commission recommended that no changes be made to the TR-district clustering provisions or to uses permitted in the open space. Therefore, staff recommends that the proposed definition "conservancy lot" be deleted from the draft text, as this definition was added to allow for conservancy lots in TR district open space areas.

Technical Language Suggestions:

Staff recommends the following changes and/or clarifications, which are technical in nature:

1. Proposed Section 4-507(J) is a sentence fragment. Staff suggests this section read:
"Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use shall be permitted on site."

2. Proposed Section 4-607(D)(5) is a sentence fragment. Staff suggests this section read: "Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use shall be permitted on site."
3. In the third line of Section 4-1503(F), insert the word "by" prior to "the Facilities Standards Manual."
4. Proposed Section 5-1504(C) is a sentence fragment. Staff suggests this section read: "Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate."
5. Revise Section 6-1612 to use the current format of upper case letters and Arabic numbers consistent with the rest of the Zoning Ordinance.

IV. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(D), Text Amendments, of the Revised 1993 Loudoun County Zoning Ordinance states "...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters...":

Standard *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis The proposed text amendments have been reviewed for consistency with the Comprehensive Plan. Changes not fully consistent with the Comprehensive Plan are noted in the "Staff Comment and Recommendation" columns in Matrix 1 and Matrix 2 (Attachments 1 and 2).

Standard *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis The intent of this ordinance is defined under Section 1-102, which states: "This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan." The proposed amendments are consistent with the intent of the Zoning Ordinance.

ATTACHMENTS

Number	Description	Pages
1.	Matrix 1	A1—A8
2.	Matrix 2	A9—A13
3.	Addendum to the ZORC Redline Draft	A14—A37
4.	March 6, 2007 copy teste	A38—A40
5.	April 17, 2007 copy teste	A41—A44

MATRIX 1

Attachment 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS

3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07

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No.	Z.O. SECTION NUMBER	DISTRICT	PAGE NUMBER	STAFF COMMENT AND RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1	Section 1-103(N)(2), Route 28 Taxing District	All	1-7	Staff does not recommend any change to this section. This amendment would allow properties under the 1972 Zoning Ordinance to "opt-in" to the Revised 1993 Ordinance for one year following the revisions. The County Attorney is concerned that this change is inconsistent with notice requirements. (Converting from 1972 to Revised 1993 is a remapping.) A better solution may be a Board of Supervisors policy that applications may be made on a periodic basis to convert to the current zoning ordinance and map. In addition, it is noted that if the proposed changes recommended by ZORC are adopted by the Board, there is a density increase in the commercial/industrial planned development districts from the 1972 Ord. to the current Ord. The Code of Virginia may require notice of such changes.	Retain existing text. Staff to develop language for Board of Supervisors to consider annual or bi-annual "bundling" of applications by policy rather than with a text amendment to this section.
2	Section 1-205(F) Yards on Corner Lots	All	1-13	Instead of two front yards and two side yards, a corner lot would have two fronts, one rear and one side yard. Staff is concerned that the revision will make it harder to build on some lots and the only remedy is a variance. Staff also notes that the CR Zoning Districts require a minimum rear yard of 50 feet. Side yards are significantly smaller than rear yards and the proposed change would ensure a full rear yard on corner lots.	Retain existing text. (3/5/07)
3	Section 1-205(J)	All	1-14	Staff does not recommend any change. The amendment proposes a clarification of where to measure setbacks when right-of-way reservation is proposed that is greater than the planned right-of-way. The language appears to be unnecessary and is somewhat confusing. Any reservation of right-of-way would most likely be based upon the requirements of the Comprehensive Plan. Item (b) already states that the setback is measured from the right-of-way proposed in the Plan. If excess is given, by Ordinance, the setback is measured from what the Plan requires and not the additional provided.	Retain existing text. Planning Commission would like to see a better example of the application of this section from ZORC Chairman/Vice-Chairman. (3/5/07)
4	Section 1-206(C), 1-206(C)(1)(a)	All	1-17	These Sections have been previously interpreted to include roads shown on the CTP as it relates to CR-1 by-right subdivisions. This language would clarify past practice. However, this proposed change should be looked at in context with individual zoning district requirements particularly the TR, ILMA, AR Zoning Districts. The ILMA District regulations state "The maximum gross density shall be ___ unit per ___ square feet, calculated on the overall parcel, excluding roads." TR district regulations state, "The maximum gross density allowed in TR districts is ___ dwelling unit per ___ square feet or ___ acres." Roads are not excluded. There appears to be a conflict between this Section of the Zoning Ordinance and the ILMA District regulations.	Accept proposed text. New resolution of intent to amend adopted 4/17/07 to include revisions to residential districts (Articles 2 & 3) to reflect density (dwellings per acre) and provide consistency with density credit regulations in Article 1. See Document titled "Addendum to ZORC Redline Draft." (3/5/07 & 4/30/07)
5	Section 1-300(B)(9) Section 6-407(A)(3)	All	1-21 6-14	Staff does not recommend any change to these sections. This amendment would allow the Zoning Administrator to interpret and "adjust" district boundaries. "Adjusting" boundaries could be construed as a remapping.	Retain existing text. (3/5/07)
6	Section 1-404(A), Use of Nonconforming Lots	All	1-24	Currently, a nonconforming lot can be used even though it does not meet the lot area, access and/or lot width requirements of the district. This amendment broadens it to any requirement of the district. Staff questions whether this change is necessary.	Revise proposed text. In line 7 of the paragraph, do not strike the word "lot" before "access." See Document titled "Addendum to ZORC Redline Draft." (3/5/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

Attachment 1

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MATRIX 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS 3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07

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7	Section 1-404(C), Boundary Line Adjustments	All	1-25	Staff does not support this change. This amendment simplifies the boundary line adjustment process. Requiring lots to be in compliance with lot area at the time the lot was created will be difficult to administer and may require substantial research. In addition, such research may result in the identification of lots that were created "illegally." The amendments would also permit conforming lots to become nonconforming, which staff does not support. In general, the degree of nonconformity should not be allowed to increase for nonconforming lots.	Revise proposed text. Staff directed to develop new text addressing when boundary line adjustments may occur. See Document titled "Addendum to ZORC Redline Draft."
8	Section 1-405(D)	All	1-26	This amendment permits a structure that has terminated its nonconforming status to lawfully exist unless it is abandoned or discontinued for two years. The current time period is 180 days and staff does not see the need for an extension of this time period. Staff is generally supportive of this change. However, in those districts that permit clustering, lot width is reduced to 60 feet. Increasing the length to width ratio may result in narrower lots.	Revise proposed text. Change specified time period to 1 year. See Document titled "Addendum to ZORC Redline Draft." (3/5/07)
9	Articles II & III, Length/width ratios	A-10, A-3, CR-1, CR-2, CR-3, CR-4, RC R-1 to R-8			Accept proposed text. (3/5/07)
10	Section 2-403(HHH)	A-3	2-58	Staff is concerned that adding "recreation establishment, indoor" to the list of special exception uses in the A-3 is not consistent with the purpose of the district or the Revised General Plan's Rural Policy Area. These types of facilities do not rely upon the rural land resource for their operation nor are they considered rural economy uses.	Accept proposed text. New resolution of intent to amend adopted 4/17/07 to add this use to the AR-1 and AR-2 districts with performance standards. See Document titled "Addendum to ZORC Redline Draft." (3/5/07 & 4/30/07)
11	Sections 2-511, 2-612, 2-712 & 2-812	CR-1, CR-2, CR-3, CR-4	2-66, 2-72, 2-78, 2-83	Staff does not support this change as proposed. These sections state that the requirements of Section 5-900 shall be observed "unless a lot was the subject of a boundary line adjustment application that previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for 3 lots or less within this district." It is not clear whether the exemption contained in Section 2-511 exempts such lots from the setbacks or only from the requirement associated with access to these roads. If the intent is to permit existing lots that are adjusting property boundaries to continue to have access to an arterial or major collector road, staff currently interprets that such lots may continue to have access since no new lots are being created. Staff does not understand the purpose of allowing 3 lots or less to be exempt from the access requirements. This would appear to promote piecemeal development by encouraging properties with a lot of road frontage to subdivide under either the two lot waiver provisions or a three lot preliminary/record plat. Why would the setbacks not apply in these situations? Also, this change was not made to the TR-districts.	Revise proposed text. Strike all text after the word "observed" in line 3 of the paragraph. See Document titled "Addendum to ZORC Redline Draft." (3/5/07)

* This is an example of "where amendments have "overtaken" the ZORC draft.

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MATRIX 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS 3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07

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12	Section 2-903(NN) Permitted Uses	RC	2-86	Staff does not support adding "mill, feed and grain" to the list of permitted uses coupled with exempting such use from the square footage maximum. Consider requiring special exception for use or not exempting this use from the square footage maximum to ensure compatibility with the scale and character of the existing rural commercial district.	Retain existing text in Section 2-904(K). Strike proposed text in Section 2-903(NN). Retain "Mill, feed and grain" as a special exception use.	(3/5/07)
13	Section 2-904(A) & (B), Special Exception Uses	RC	2-86	This amendment increases the size of a single use in RC from 10,000 s.f. to 15,000 s.f. (except for agriculture and certain ag-related uses) and eliminates the requirement that any one use exceeding 50% of the district obtain a SPEX. Staff is concerned these changes may result in uses less compatible with existing character and neighborhood scale of the district and result in less business diversity.	Accept text in Section 2-904(A) to increase square footage limit to 15,000 s.f. Strike all proposed text following the word "area." See Document titled "Addendum to ZORC Redline Draft."	(3/5/07)
14	Section 2-910, Dev. Setback and Access From Major Roads	RC	2-89	Staff is concerned about the use of the term "commercial development" as this term is not defined. Staff suggests "nonresidential development."	Accept deletion of Section 2-904(B).	(3/5/07)
15	Section 3-107(A) & 3-108(A) Lot Coverage	R-1	3-5	This amendment makes lot coverage the same for all three development options in the R-1. Staff finds that this change reduces the incentive for clustering in R-1. Lot coverage should be higher for lots that have clustered.	Revise proposed text. Increase lot coverage in Sections 3-108(A) and 3-109(A) to 30% maximum. See Document titled "Addendum to ZORC Redline Draft."	(3/5/07)
16	Section 3-1003(NN), Storage of empty solid waste vehicles and containers	MR-HI	3-63	Additional use to MR-HI, "storage of empty solid waste vehicles and containers." Staff finds that this use fits within "outdoor storage, vehicle." Solid waste vehicle is not a defined term currently. Amend current Article 8 definition or make no change.	New resolution of intent to amend adopted 4/17/07 to add definitions for "solid waste vehicle" and "solid waste container." See Document titled "Addendum to ZORC Redline Draft."	(3/5/07)
17	Section 4-206(D), Vehicular Access	PD-CC	4-20	Staff does not support eliminating this section. Rather, staff suggests revising the wording as follows: "Primary access and through vehicular traffic shall be prohibited on residential neighborhood streets. This prohibition does not apply to residential collector streets."	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(3/5/07 & 4/30/07)
18	Section 4-302(A), Size and Location	PD-OP	4-25	Staff suggests revising the location requirements for the PD-OP to "On arterial or collector roads."	Revise proposed text consistent with staff recommendation. Retain Section 4-302(A). See Document titled "Addendum to ZORC Redline Draft."	(3/12/07)
19	Section 4-307(E), Site Planning	PD-OP	4-31	Staff recommends this language be retained. This amendment eliminates the requirement for a park-like character in PD-OP districts. The current language supports the Revised General Plan policies that promote compact development that has minimal impact on the natural environment or surrounding land uses through innovative site design.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(3/12/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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20	Section 4-307(F), Development Setback and Access from Major Roads	PD-OP	4-32	Staff does not support eliminating this section. Rather, staff suggests revising the wording as follows: "Primary access and through vehicular traffic shall be prohibited on residential neighborhood streets. This prohibition does not apply to residential collector streets. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through construction traffic."	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(3/12/07)
--	Section 4-206(C), Building Height	PD-CC	4-20	The Planning Commission discussed this section, which proposes an increase in maximum building height from 35 feet to 45 feet. This section also amends the requirements for exceeding the height limit. The ZORC draft proposes a distance of not less than one foot for each one foot of height in addition to each of the required minimum yard dimensions. This section currently requires two feet for each one foot of height above the maximum.	Accept proposed text to increase building height to 45 feet.	
21	Sections 4-503(EB) & 4-504(R) Permitted Uses	PD-IP	4-44 4-45	Amends permitted use list to add that churches, synagogues, temples or mosques may include private schools, child and adult day care facilities and associated uses (not accessory uses). Makes a child care center associated with a church by-right with no additional standards and others by special exception and subject to 5-609(B). Staff suggests that all child care centers be treated the same in PD-IP. Additionally, these uses represent civic, educational and institutional uses that may be incompatible with industrial uses. Staff notes that public and private schools should be treated identically. Both uses currently require a special exception.	Staff directed to develop revised text. See Document titled "Addendum to ZORC Redline Draft."	(3/12/07)
22	Section 4-504(S), Special exception uses	PD-IP	4-45	Suggest "contractor service establishment, excluding retail sales and outdoor storage" be a permitted use.	Accept staff recommendation. New resolution of intent to amend adopted 4/17/07. See Document titled "Addendum to ZORC Redline Draft."	(3/12/07 & 4/30/07)
23	Section 4-507(E)(1), Retail Sales as an accessory use	PD-IP	4-49	Staff does not support this change. This amendment would eliminate the requirement that warehousing facilities w/ accessory retail sales store goods for at least one retail establishment located in a zoning district where retail is a permitted principal use. Additional retail would produce more trips than PD-IP.	Revise proposed text. New resolution of intent to amend adopted 4/17/07. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
24	Sections 4-507(G)(2), 4-607(F)(2) Access	PD-IP PD-GI	4-51, 4-60	Staff suggests revising the wording of this section rather than eliminating the provision that states "Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic." Staff does not support access to industrial zones via local residential streets.	Revise consistent with item # 17 above. Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
25	Sections 4-707(D)(3), 4-808(Q)(2) Access	PD-SA PD-TC	4-67, 4-77	Staff suggests revising the wording of this section rather than eliminating the provision that states, "Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted." Staff does not support access to the special activity and town center zones via local residential streets.	Revise consistent with item # 17 above. Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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MATRIX 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS

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26	Section 4-1209(A)(16) Permitted Uses	PD-RV	4-156	Permitted uses in the PD-RV currently include "public water and wastewater facilities including land application fields, identified on the approved Concept Development Plan." The amendment proposes to strike "identified on the approved Concept Development Plan." Staff thinks that public utilities should be reviewed at the time of rezoning.	Accept proposed text.
27	Section 4-1214, Utility Design and Financing Requirements	PD-RV	4-166	Staff does not support the change. Staff believes that application review and approval falls under the purview of the Board of Supervisors.	Retain existing text. (4/2/07)
28	Section 4-1500, Floodplain Overlay District	All	4-192	Staff does not support removing Floodplain standards from the Zoning Ordinance. There is no companion amendment to the Facilities Standards Manual (FSM) being proposed at this time. The State Floodplain Coordinator has been contacted and agrees that this language should remain within the Zoning Ordinance.	Retain existing text. Retain Floodplain standards in the Zoning Ordinance. (4/2/07)
29	Section 4-1503(A), Alteration	All	4-192	Staff does not support the elimination of "clearing" as an example of a floodplain alternation. Clearing should remain in the list because clear-cutting or extensive removal of undergrowth could have a significant effect on the flood velocity and depth of flow. There should be a clarifying statement as to when clearing vegetation justifies the need for a floodplain alteration. It should be left within the ordinance in order to alert landowners and developers that extensive clearing within floodplains could adversely impact adjacent properties.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft." (4/2/07)
30	Section 4-1505(A)(12), Road Crossings	All	4-196	Staff recommends retaining the language in Section 4-1505(A)(12). The Zoning Ordinance is the appropriate document to set the standards and limitations on floodplain alterations. The FSM should provide engineering detail and procedures that support the requirements of the Zoning Ordinance. When issues of health and public safety are concerned, the "meat" of the regulation should be in the Zoning Ordinance. The FSM does not carry the regulatory authority that the Zoning Ordinance does and every provision of the FSM can be waived by the Director of Building and Development. Where protection against loss of life and property is at risk, the Zoning Ordinance should dictate the standards under which a floodplain alteration can be approved.	Retain existing text. (4/2/07)
31	Section 4-1508(A) & (B), Alterations	All	4-199	Staff recommends retaining the language in Section 4-1508(A) in the Zoning Ordinance. Section 4-1508(B)(4), (5), and (6) could be moved to the FSM but Section 4-1508(B)(1), (2), (3), and (7) should remain in the Zoning Ordinance.	Retain existing text. Staff to coordinate with the FSM Committee on sections that may be moved to the FSM at a later date. (4/2/07)
32	Sections 5-200, 5-200(A) & 5-200(B)	All	5-4	This amendment would equate yards, setbacks and buffers. Staff supports the elimination of a difference between yards and setbacks. However, staff does not support structures in buffers. Staff suggests the language referencing buffers be removed.	Revise proposed text to delete reference to buffers. See Document titled "Addendum to ZORC Redline Draft." (4/2/07)
33	Section 5-400(C), Home Occupations	All	5-8	This amendment increases the floor area that may be devoted to home occupation in an accessory structure from 25% to 49%. Staff suggests the square footage percentages be eliminated, as the provision is difficult to enforce.	Accept staff recommendation. Revise proposed text. See Document titled "Addendum to ZORC Redline Draft." (4/2/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS 3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07

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34	Section 5-500, Temporary Uses/Zoning Permits.	All	5-9	It may be helpful to add language to 5-500 clarifying that the restrictions apply to all districts. The Board of Supervisors recently adopted significant amendments to Section 5-500 with regard to temporary events.	Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
35	Section 5-633(B), Airport/Landing Strip, Site Size	AR ILMA-20 TR-10	5-69	The Planning Commission had previously recommended (3-20-06) that the minimum lot area for an airport/landing strip be increased from 25 acres to 80 acres. Recommend new intent to amend since ZORC did not consider changes to this use.	New resolution of intent to amend adopted 4/17/07 to revise this section. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
36	Section 5-702(D) Permitted Uses	Rural Hamlet Option	5-109	Staff is unsure as to why "accessory uses" have been removed from the permitted use list for hamlet and conservancy lots. In order to ensure accessory structures and uses on hamlet lots, staff does not support this change.	Retain existing text.	(4/2/07)
37	Section 5-1102(B)(1) & (12)	All	5-134	In the parking regulations, funeral homes, etc. have been placed under cultural, recreational and entertainment uses. Staff suggests these uses stay under the Miscellaneous category with a title change to Section 5-1102(B)(12)(a). This does not affect the parking rate.	Reorganize section. Move "Places of Worship" from Section 5-1102(B)(12)(a) to new Section 5-1102(B)(11)(c). No text would appear after Section 5-1102(B)(12), Miscellaneous Uses. Revise Table 5-1101 consistent with this recommendation.	(4/2/07)
38	Section 5-1102(F)(1), Adjustments to Parking Requirements	All	5-139	This amendment would allow the Director of Building and Development with concurrence of the Zoning Administrator to approve reductions in parking spaces, rather than by SPEX to the BOS. The Director of Building and Development does not have a definition in Article 8 (Director of Planning does). This also conflicts with the RC district provisions which give authority to the Zoning Administrator. Further, the Code of Virginia invests administration and enforcement authority only with the Zoning Administrator.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
39	Section 5-1102(F)(1)(c)	All	5-140	Also, some re-wording is suggested to clarify that a SPEX may be applied for if the parking reduction does not fall into one of the specific instances set forth in paragraphs 2 through 5.		(4/2/07)
40	Section 5-1303(B)	All	5-161	This amendment adds a time period of 5 years to parking covenants. This is a relatively short period of time and is in effect, a very weak requirement. If a time period is necessary, staff recommends 20 years.	Accept staff recommendation. Indicate a period of time of 20 years. See Document titled "Addendum to ZORC Redline Draft."	(4/2/07)
41	Section 5-1400	All	5-163	This change is no longer applicable, as ZOAM 2005-0002 deleted Section 5-703 regarding AR Clusters.	No longer applicable.	(4/2/07)
42	Section 5-1403(E)	All	5-164	The Engineering Division of Building and Development made a number of recommendations regarding this Section, which were considered by the Planning Commission.	See Document titled "Addendum to ZORC Redline Draft" for proposed changes to text.	(4/9/07)
43	Section 5-1508(B)(2)(a) Exemptions	All	5-202	Staff does not support this addition. It now conflicts with the requirement for a type 5 buffer requirement along Route 50 in Section 5-1406(E)(4) [proposed to be (E)(3)]. Language needs to be reconciled with prior ZOAM. Staff does not support this change. Staff suggests the following: "Construction of a single residential use on a legal lot existing as of June 16 th , 1993 is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/23/07)
					Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft."	(4/23/07)

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MATRIX 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS

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44	* Section 5-1508(D)(1)(c)(v), Steep Slope Standards, Permitted Uses in very steep slopes	All	5-204	uses. Development of more than one residential use on such lot shall be subject to all other applicable standards in this Sections: 5-1508(E) and 5-1508(F)."	(4/23/07)
45	Section 6-403(A), Submission Requirements	All	6-12	ZORC proposed adding "drinking water supply systems and/or sanitary sewer collection systems and related facilities" as a permitted use in very steep slope areas. ZOAM 2006-0001 subsequently amended this section to add "drinking water supply reservoir subject to obtaining an approved 'Location Clearance Permit' from the Zoning Administrator or his/her designee". Staff has made no change to this section based on the more recent language adopted with the ZOAM (i.e. sanitary sewer collection systems would not be permitted in very steep slopes.) If the PC is inclined to recommend ZORC language, it is Staff's belief that all aspects of water supply lines and sewer collection systems should not be located on very steep slopes. Water lines and related facilities to water supply and sanitary sewer collection systems such as, but not limited to, accessory buildings, access roads, treatment facilities, and pump stations can be designed to avoid these sensitive areas. Furthermore, if a decision is made to allow for sanitary sewer lines to be located on very steep slopes, staff strongly recommends that development standards be included with the change to protect and minimize impacts to steep slopes and adjacent resources, such as streams, wetlands, and forest cover. The development standards should be developed cooperatively between staff and LCSA.	New resolutions of intent to amend adopted 4/17/07 & 4/30/07 to allow sanitary sewer and water lines in very steep slopes with development standards. Add proposed text. See Document titled "Addendum to ZORC Redline Draft."
46	* Section 6-701(C), Site Plan Required	AR-1 AR-2	6-26	The Board of Supervisors directed staff to amend the zoning ordinance to expand the disclosure requirements of this section. Staff has coordinated with the County Attorney's office and proposes language consistent with §15.2-2289 of the Code of Virginia. Staff's proposed language is on page A13.	Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft." Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft."
47	Section 6-1910 Historic Districts	All	7-5	ZORC proposed adding language to exempt the "agriculture support and services related to agriculture, horticulture and animal husbandry" use category from site plan requirements when such uses do not involve access by the public as a part of the use. ZOAM 2005-0002 subsequently amended this section to note that site plans are not required when a rural sketch plan is required. Staff has inserted ZORC's language into the newly adopted language and reconciled discrepancies.	Retain existing text. Retain existing text.
48	Article 8, Definitions Church, synagogue, temple or mosque	All	8-10	The County Attorney's office is concerned that we do not have the enabling authority to impose this requirement.	Accept deletion of motorcycle from "heavy equipment" definition. Add definitions for "motorcycle" and "all-terrain vehicle (ATV)." See Document titled "Addendum to ZORC Redline Draft."
49	Article 8, Definitions Heavy equipment	All	8-22	Deletes the term "accessory" and adds the term "associated" for other permitted uses related to a place of worship. Under this definition, the associated uses could occur without the place of worship. This change has the potential to introduce uses not anticipated in residential and other zoning districts and may have compatibility issues.	Deletes "motorcycle" from this definition. However, no other definition appears to account for "Motorcycle or ATV sales, rental, repair and associated service" which has been added as a use.

* This is an example of where amendments have "overtaken" the ZORC draft.

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MATRIX 1

STAFF COMMENT (PART 1), PLANNING COMMISSION WORK SESSIONS

3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07

Page 8 of 8

50	Article 8, Definitions Lot Coverage	All	8-27	The Lot coverage definition has been amended to state, "Parking structure below or above grade and stand-alone mechanical structures are excluded from lot coverage." Should garages and carports be considered "parking structures?" on "point of reference" to be confusing. Suggest that the definition be based on lot lines.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft." (4/23/07)
51	Article 8, Definitions Setback and Setback	All	8-45	Staff recommends that the two definitions be reconciled if possible. Staff finds reliance on "point of reference" to be confusing. Suggest that the definition be based on lot lines.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft." (4/23/07)
52	Article 8, Definitions Sign, Area of	All	8-46	This change also has an adverse impact on the administration of Section 5-600 performance standards. This amendment changes what is included in the area of a sign. Staff would suggest revising the language. The phrase "wall work incidental to..." is subjective and since that is now excluded, staff finds that it will be harder to consistently calculate the area of a sign.	Retain existing definition. Consider changes with sign ZOAM. (4/23/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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MATRIX 2

Attachment 2

STAFF COMMENT (PART 2), PLANNING COMMISSION WORK SESSION

4/30/07

Page 1 of 5

No.	Z.O. SECTION NUMBER	DISTRICT	PAGE NUMBER	STAFF COMMENT AND RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
53	Sections 2-903(OO), 4-203(A)(32), 4-203(B)(1) Article 8	RC PD-CC(NC) PD-CC(CCC)	2-86 4-15 8-53	Staff suggests a minor change to "Training facility," which has been added as a permitted use in a number of districts, including PD-OP, PD-RDP, PD-IP, PD-GI, all PD-CC districts and RC. Article 8 includes this proposed definition, "A facility used for business, technical or professional training and/or certification, which may be operated as a principal use or as an accessory use to a permitted or permissible use." In RC, PD-CC(NC) and PD-CC(CCC), staff suggests that "training facility, accessory to a permitted or special exception use" be included in the permitted use list and that "training facility" be listed as a special exception use.	Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft."
54	Sections 2-1402, 2-1502, 2-1602, 2-1702 TR-District Use Tables	TR-10, TR-3, TR-2 TR-1	2-141 2-150, 2-158 2-166	This amendment would allow "school (elementary, middle, or high), for more than 15 pupils" by-right in the TR-districts, rather than by special exception. Many other districts require a special exception for school uses. Staff does not believe a distinction should be made in the use lists between public and private schools.	Retain existing text.
55	Sections 3-506(C)(2)(c), 3-506(C)(3)(c), 3-606(C)(2)(c), 3-606(C)(3)(c) Rear Yards for Single Family Attached (Suburban and Traditional Design Options)	R-8 R-16	3-29 3-36	Staff is concerned that the reduction in the minimum rear yard for single family attached dwellings from 25 feet to 15 feet coupled with the increase in maximum lot coverage (see item # 56) will reduce the amount of usable rear yard space.	Retain existing text.
56	Sections 3-508(A)(2), 3-607(A)(2) Lot Coverage for Single Family Attached dwellings	R-8 R-16	3-30 3-37	Staff is concerned that the increases in maximum lot coverage for single family attached dwellings (from 50% to 75% in R-8 and from 60% to 75% in R-16) coupled with the reduction in rear yards for single family attached dwellings (see item # 55) will reduce the amount of open space on individual lots and reduce the usable rear yard space. Reducing rear yards is also inconsistent with the Revised General Plan.	Retain existing text.
57	Article 3 R-district changes (Overall)			Staff notes that the changes to the R-districts include increased lot coverage, building heights and length/width ratio and decreased rear yards, moving these districts from suburban type development to a more urban type development. Is this the desired style of development in the R-districts?	Staff directed to provide a more detailed description of the proposed changes.
58	Section 4-104(D)(1), Impervious Surface	Commercial areas in PD-H	4-3	This amendment increases the impervious surface ratio on any single lot from 70% to 80%. This change is inconsistent with the Revised General Plan, which states that the County will prepare and implement design standards and principles that minimize the creation of new impervious areas.	Delete Section 4-104(D)(1). See Document titled "Addendum to ZORC Redline Draft."
59	Sections 4-507(G)(1), 4-607(F)(1), Access	PD-IP PD-GI	4-51 4-60	This amendment deletes access language related to schools in PD-GI but retains the text in PDIP. Staff suggests the language be deleted in both sections.	Retain existing text in both sections.

* This is an example of where amendments have "overtaken" the ZORC draft.

Attachment 2

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60	Sections 4-305(B)(1), 4-405(B)(1), 4-505(B)(1), 4-605(B)(1), 4-705(B)(1), 4-805(F)(1) Yards, Adjacent to Roads	PD-OP PD-RDP PD-IP PD-GI PD-SA PD-TC	4-28 4-37 4-47 4-57 4-65 4-74	This amendment revises yard requirements adjacent to roads to permit parking between buildings and streets to be visible from roads. Revised General Plan policies do not support parking within the building setbacks in employment-related zones. This change would make the district regulations less consistent with the Plan.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
61	Sections 4-305(B)(2), 4-405(B)(2), 4-505(B)(2), Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses	PD-OP PD-RDP PD-IP	4-28 4-37 4-47	This amendment revises yard requirements adjacent to agricultural and residential area to permit parking, outdoor storage, areas for collection of refuse and loading spaces between buildings and streets to be visible from such agricultural and residential areas. Staff is concerned that this amendment will adversely impact residential areas.	Retain existing text.	(4/30/07)
62	Sections 4-306(C), 4-406(C) Floor Area Ratio	PD-OP PD-RDP	4-30 4-38	In particular in the PD-IP district, the elimination of the PD-IP location requirements (see item # 65) increases the likelihood that industrial parks will be located closer to residential areas and with increased visibility from residential areas. This amendment increases floor area ratio from .40 to .60 maximum and up to 1.0 maximum by special exception. Staff suggests no upper limit be noted, simply that higher FARs may be requested by special exception. Traffic increases could occur and the special exception process would help ensure that adequate levels of service are maintained.	Revise proposed text. Allow up to 2.0 maximum FAR by special exception. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
63	Sections 4-404(L), 4-503(H), 4-603(F) Permitted/Special Exception Uses	PD-RDP PD-IP PD-GI	4-36 4-42 4-52	This amendment eliminates the list of the types of manufacturing uses permitted. This may allow for more intense industrial uses in the PD-RDP and PD-IP districts. Staff suggests revising the use to "manufacture, processing, fabrication and/or assembly of products, excluding...." Section 3-907(I) includes a list of intense industrial uses.	Retain existing text.	(4/30/07)
64	Section 4-501, Purpose Sections 4-503(G)/4-504(A) Permitted/Special Exception Uses	PD-IP	4-42 4-44	This amendment adds "office uses" to the PD-IP district purpose and adds "office, administrative, business and professional" to the list of permitted uses in PD-IP. Staff suggests office uses remain a special exception use, but would recommend that the criteria for its development under Section 4-504(A)(1) & 2 be deleted. If office becomes by-right, all prior special exception conditions for office development in PD-IP are no longer applicable. In addition, since the planned land use for many PD-IP zoned properties is keynote employment, the removal of a special exception decreases the ability of the Board of Supervisors to evaluate office proposals in areas designated for premier office development.	Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
65	Section 4-502, Size and Location	PD-IP	4-42	Staff does not support this change and suggests the existing language requiring PD-IP districts to be "located in areas served by one or more major arterial or collector roads" be retained.	Accept proposed text.	(4/30/07)
66	Sections 4-1019(C), 4-1121(D) Road Design	PD-TREC PD-TRC	4-124 4-147	This amendment eliminates the road design criteria which require certain roads in the district to be constructed to VDOT standards for inclusion in the state highway system. Staff does not support this change and suggests the existing language be retained.	Accept proposed text.	(4/30/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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67	Section 4-1206(C)(3) Village Center Subdistrict	PD-RV	4-153	Currently, the village center may contain no more than 300 dwelling units, exclusive of conservancy lots or accessory dwelling units. ZORC has added text to also exclude bonus units. An amendment is necessary, however, to resolve ambiguity/conflict with the density adjustments of Section 4-1208.	Retain existing text.	(4/30/07)
68	Section 4-1511, Density Calculations	All	4-201	In exchange for excluding almost all uses from the floodplain, RSCOD allowed a density credit. FOD allows reasonable use and thus forbids density credit. The Plan supports density credit only in the RSCOD context. Staff notes that if the exclusion remains, there is still a consistency issue with the TR-districts which reference gross land area.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
69	Section 4-1603(C), Exemptions	All	4-204	ZORC proposed exempting "municipal drinking water supply" uses from the application of the performance standards in Sections 4-1604 and 4-1605 (MDOD). ZOAM 2006-0001 subsequently added subsection (D) which provides, "The uses described in and subject to Article I Section 1-404(B)(2) are exempted from the special exception requirements, subject to obtaining an approved 'Location Clearance Permit' from the Zoning Administrator or his/her designee, accompanied by as much information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to approve such 'Location Clearance Permit.' " Staff has made no change to this section based on the more recent language adopted with the ZOAM.	Retain existing text.	(4/30/07)
70	Section 4-2104(A)(1) Average Front Yard	All	4-214	If the PC is inclined to recommend ZORC language, Staff would support exemption of the standards in Sections 4-1604(A), (B) and (E), with the following language added to Section 4-1604(D): "Prior to any land disturbing activity; i) on existing slopes of 25 percent or more, ii) within soil mapping units 27, 59, 88 or 89, or iii) for proposed municipal drinking water systems, the applicant shall provide a Preliminary Soils Review..." Staff believes a special exception should be required for any municipal drinking water supply use proposed in highly sensitive MDOD. Specific language can be provided if the PC is supportive of the SPEX requirement in highly sensitive MDOD.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
71	Section 4-2104(A)(2) Building Height	All	4-214	This amendment applies to yards in the Village Conservation Overlay District (VCO). Staff suggests the existing language be retained. Requiring buildings to have a front yard "consistent with" existing front yards is more subjective than the current language, which requires front yards "of a distance equal to the average front yard." The current language ensures the continuity of front yards in the VCO. It may be helpful to add language excluding accessory buildings from the calculation of average front yards.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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72	Section 4-2104(B)(3)(a) Sidewalks	All	4-214	This amendment proposes to change the sidewalk requirements in the VCOD. Rather than eliminating the requirements, staff suggests the addition of section (d) with the following language: "The Zoning Administrator may waive or reduce the requirements of this subsection in cases where i) the sidewalk terminates at an arterial highway; or ii) existing topographic conditions make construction of a sidewalk impractical; or iii) the parcels being created are greater than one acre in size."	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."
73	Section 5-701(C)(3)(a) Lot and Open Space Standards	TR-10 TR-3 TR-2 TR-1	5-104	The changes are not consistent with Revised General Plan policies. The proposed language eliminates specification as to the number of units in a cluster and, in terms of design, deviates from the concept of surrounding the cluster with open space. A cluster is a grouping of between 5 to 25 residential units. Staff is unsure as to why minimum front yards have been increased. Section 5-701(C)(3)(a)(ii) indicates a maximum building height of 35 feet, whereas the Lot Standards table revised maximum building height to 40 feet.	Retain existing text except for building height increase. Consider CPAM/ZOAM to amend policies and Ordinance standards for development of TR-10. (4/30/07)
74	Section 5-701(C)(3)(b)(iv) Allowed Uses in Open Space	TR-10 TR-3 TR-2 TR-1 Article 8	5-106 8-12	This amendment adds "conservancy lot with open space easement" as a permitted use allowed on the open space lands. The following definition has been added to Article 8: "a lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area." It appears that the creation of the conservancy lot would permit the open space required in TR-districts to be located on individual lots.	Retain existing text. Consider CPAM/ZOAM to amend policies and Ordinance standards for development of TR-10. (4/30/07)
75	Section 5-900, Setbacks From Specific Roads and the W&OD Trail	All	5-124	1. Setbacks should be from the planned right-of-way. Staff sees no need to add "existing" to the first paragraph. 2. The title of this Section is "Setbacks from Major Roads," yet "access from major roads" is now included. The title of the section should be amended accordingly or access requirements should be retained in the district regulations. 3. Buildings must currently be set back from planned rights-of-way, including the fillets or connectors between rights-of-way. Staff does not support the change to remove fillets from the setback requirements since they are part of the interchange design. 4. Staff is also concerned about the use of the term "commercial districts" as this term is not defined. The PC recommended (3/5/07) the word "nonresidential" replace "commercial" where similar wording was used in another section. (See item # 14 on Matrix 1 entitled "Staff Comment (Part 1), Planning Commission Work Sessions—3/5/07, 3/12/07, 4/2/07, 4/9/07, 4/23/07 & 4/30/07).	1. Accept proposed text. 2. Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft." 3. Accept proposed text. 4. Accept staff recommendation. See Document titled "Addendum to ZORC Redline Draft." *Additional text changes recommended to Section 5-900. See Document titled "Addendum to ZORC Redline Draft." (4/30/07)

* This is an example of where amendments have "overtaken" the ZORC draft.

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76	Section 5-1504(A) Light and Glare Standards	All	5-195	This amendment exempts lighting at "publicly owned facilities utilized for athletic competition." Staff is concerned about the proposed change, given the potentially large scale of athletic facilities and the time of day the facility will be lighted. There is the potential for glare and light impacts on adjoining properties, including residences.	Revise proposed text. See Document titled "Addendum to ZORC Redline Draft."	(4/30/07)
77 *	Section 5-1508(E)	All	5-205	ZORC proposed exempting "municipal drinking-water supplies" from the development standards on very steep slopes. ZOAM 2006-0001 subsequently amended this section to exempt "drinking water supply reservoirs." Staff has made no change to this section based on the more recent language adopted with the ZOAM.	Retain existing text.	(4/30/07)
78	Sections 7-102(A), 7-102(D)(7) Applicability	R-1 CR-1 TR-1 JLMA-1	7-8	Currently, the requirements of Article 7 apply when a development is served by public water and sewer and yields 50 or more dwelling units at a density greater than one unit per gross acre. ZORC proposes that gross acre be replaced with 40,000 sq. ft. If this change is made, staff does not see the need to add Section 7-102(D)(7), which proposes to specifically exempt land zoned R-1, CR-1, TR-1 and JLMA-1.	Accept proposed text.	(4/30/07)

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ADDENDUM TO ZORC REDLINE DRAFT

May 9, 2007

The Planning Commission held work sessions on March 5, March 12, April 2, April 9, April 23, and April 30, 2007. Pursuant to recommendations made at those work sessions, the Planning Commission public hearing on May 21, 2007 will consider the following draft Zoning Ordinance text.

NOTE: Where the proposed text below conflicts with the ZORC Redline Draft, the proposed text below supersedes the ZORC Redline Draft.

March 5, 2007 Work Session:

1. Amend Section 1-404(A) as follows:

[page 1-24]

- (A) **Use of Nonconforming Lots.** If a lot was recorded prior to the effective date of this Zoning Ordinance, or is hereafter created in conformity with Section 1-103(H), and such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, or complies with Section 1-103(H), then such lot may be used for any use permitted in the Zoning District in which it is located even though ~~the lot it~~ does not meet the lot ~~area, access and/or lot width~~ requirements of the district, provided all the other regulations of this Ordinance can be satisfied. Notwithstanding anything to the contrary contained herein, hamlet lots shall be governed by the Hamlet District Regulations.

2. Amend Section 1-404(C) as follows:

[page 1-25]

- (C) **Boundary Line Adjustments.** Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment. In addition, the Zoning Administrator shall find that a boundary line adjustment does not increase nonconformity and is permitted where ~~the number of residential units allowable on each affected lot with the boundary line adjustment is no greater than the number without the boundary line adjustment, and~~ the boundary line adjustment satisfies one of the following conditions: (1) it makes it possible to rectify a septic system or well failure by providing space for a replacement septic system or well that meets all applicable standards; (2) it incorporates acreage into a lot that is subject to a permanent conservation easement, with the new acreage added to the protected easement area; ~~or~~ (3) it allows any existing nonconforming lot to meet the twenty acre minimum lot size in the AR-1 zoning district or the ~~fifty forty~~ acre minimum lot size in the AR-2 zoning district; (4) it allows for boundary line agreements to correct

survey inconsistencies; or (5) in the AR-1 and AR-2 zoning districts, make it possible to correct situations where existing structures, fences, private driveways and the like, are located on the adjacent lot to which such structures, fences, private driveways and the like are intended to serve. In these cases no lot shall be decreased to less than 80,000 square feet when such lots are served by individual well and septic systems.

3. Amend Section 1-405(D) as follows:
[page 1-26]

(D) **Effect of Approval.** Upon approval of the application for termination of nonconforming status by the Board, the use or structure shall no longer be treated as nonconforming and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for a continuous period of one (1) years, one hundred eighty (180) consecutive days. This status as a lawfully existing use shall apply only to the use or structure for which the special exception approval is issued and not to any other use or structure that may be located on the lot.

5. Amend Sections 2-511, 2-612, 2-712 and 2-812 as follows:
[pages 2-66, 2-72, 2-78 and 2-83]

2-511 Setback and Access from Major Roads. In designing residential development, the ~~following~~ requirements of Section 5-900 shall be observed.

~~(A)Setback. No building shall be located any closer than one hundred (100) feet from the right of way of any arterial road and seventy five (75) feet from the right of way of a major collector and thirty five (35) feet from any other road right of way, private access easement and prescriptive easement.~~

~~(B)Access. No individual lot created after adoption of this Ordinance shall have direct access to an arterial or major collector road unless; said lot which is the subject of a boundary line adjustment application was previously provided access from said arterial or major collector road or said lot is the subject of a subdivision application for three (3) lots or less within this district.~~

6. Amend Section 2-904(A) as follows:
[page 2-86]

(A) Any one permitted use in excess of 1540,000 sq. ft. in gross floor area.

7. Add Section 2-910:
[page 2-89]

2-910 Development Setback and Access from Major Roads. In designing nonresidential development, the requirements of Section 5-900 shall be observed.

8. Amend Sections 3-108(A) and 3-109(A) as follows:
[pages 3-5 and 3-6]

3-108 Building Requirements for Cluster Development Reducing Lot Size Up to 20%.

- (A) **Lot Coverage.** ~~20~~30% maximum.

3-109 Building Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.

- (A) **Lot Coverage.** ~~25~~30% maximum.

March 12, 2007 Work Session:

9. Amend Section 4-206(D) as follows:
[page 4-20]

- (D) **Vehicular Access.** Primary access ~~and through vehicular traffic impacting residential neighborhoods~~ shall be ~~avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~ Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows:

- (1) **Neighborhood Centers.** Local access roads.
- (2) **Community Centers.** Collector roads.
- (3) **Small Regional Centers.** Major collector roads.
- (4) **Regional Centers.** Controlled access onto arterial roads.

10. Amend Section 4-302(A) as follows:
[page 4-25]

- (A) On ~~primary state highways, however, direct access onto~~ arterial roads ~~shall be limited to those consistent with adopted Corridor Plans~~ or collector roads.

11. Amend Section 4-307(E) as follows:
[page 4-31]

- (E) **Site Planning.** Within any PD-OP district, ~~the site plan shall provide for efficient groupings of structures, uses and facilities, and for smooth and convenient traffic flow within the district and at points of entry and exit. To promote park-like character within such districts, particular care should be taken to organize the landscaping in such a way as to maximize the visual effects of green spaces as seen from public ways.~~ Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

12. Amend Section 4-307(F) as follows:
[page 4-32]

- (F) **Development Setback and Access from Major Roads.** ~~In designing a planned office park development, the following requirements shall be observed:~~
- (1) ~~Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road.~~
- (2) ~~Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.~~

April 2, 2007 Work Session:

13. Amend Sections 4-507(G) and 4-607(F) as follows:
[pages 4-51 and 4-60]

- (2) Primary access ~~and through vehicular traffic impacting residential neighborhoods shall be avoided prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.~~

14. Amend Sections 4-707(D) and 4-808(Q) as follows:
[pages 4-66 and 4-77]

- (D) **Access from Major Roads.** In designing special activity development, special activity development, the ~~following~~ requirements of Section 5-900 shall be observed.:
- (1) ~~Setback. No building shall be located any closer than 100 feet from the right of way of any arterial road and 75 feet from the right of way of a major collector, and thirty five (35) feet from any private access easement and prescriptive easement.~~

~~(2) Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial road.~~

~~(3) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~

(Q) **Access from Major Roads.** The following requirements of Section 5-900 shall be observed:

~~(1) Access. No individual lots created after adoption of this Ordinance shall have direct access to an arterial road. Individual lots in the Town Center Fringe area shall not have direct access to major collector roads.~~

~~(2)(1) Primary access and through vehicular traffic impacting residential neighborhoods shall not be permitted prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.~~

15. Amend Section 4-1503(A) as follows:
[page 4-192]

(A) **Alteration.** A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities ~~such as clearing, grading, excavating, transportation and filling of land.~~

16. Amend Sections 5-200, 5-200(A) and 5-200(B) as follows:
[page 5-4]

5-200 Permitted Structures in Required Yards and Setbacks. The following shall be allowed in a required yard or setback, provided applicable sight distance and fire safety requirements are met and maintained:

(A) In all yards or setbacks, including a front yard:

(B) In any yard or setback, except a the front yard or setback.

17. Amend Section 5-400(C) as follows:
[page 5-8]

(C) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. ~~Not more than 25 percent of the gross floor area of the dwelling unit nor 25 percent of said gross floor area if conducted in an accessory structure, shall be used in the conduct of the home occupation.~~

18. Amend Sections 5-1102(B)(11), 5-1102(B)(12) and Table 5-1101 as follows:
[pages 5-134 and 5-139]

(11) **Cultural, Recreational, and Entertainment.**

- (a) **Public Assembly**, including art galleries, auditoriums, community and recreation centers, libraries, museums, movie and drama theatres, stadiums and arenas, outdoor theatres/festival/drama, stadiums and arenas, funeral homes, mortuaries, crematoria, civic/social/fraternal association meeting places and mausoleums.
- (b) **Public Recreation**, including bowling alleys, gymnasiums, health clubs, roller and ice skating, tennis, racquetball, swimming and other recreational facilities.
- (c) ~~Places of Worship~~**Public Assembly**, including churches, synagogues, temples, ~~funeral homes, mortuaries, crematoria, civic/social/ fraternal association meeting places.~~

(12) **Miscellaneous Uses.**

- ~~(a) — Public Assembly, including churches, synagogues, temples, funeral homes, mortuaries, crematoria, civic/social/ fraternal association meeting places.~~

~~(b)~~**(13) Hospitals**, including sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities.

Table 5-1101, Parking Spaces Required

Cultural/Recreational/Entertainment

Public Assembly	.25/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA
Public Recreation	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA
Private Club or Lodge	.33/person in permitted occupancy approved by the Fire Marshal plus 1 space/employee	1/100,000 sq. ft. GFA

Miscellaneous

Places of Worship Public Assembly	.25/person in permitted capacity	1/100,000 sq. ft. GFA
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Miscellaneous

Hospitals

1.5/employee on main shift; plus
1/doctor on staff; plus 1/2 beds
for in-patient services; plus 1.5/
250 square feet for out patient
services

1/100,000 sq ft GFA
up to 500,000 sq ft
plus one/200,000 sq ft.
thereafter.

19. Amend Section 5-1102(F)(1) as follows:
[page 5-139]

- (1) **Procedure.** In the specific instances set forth in Paragraphs 2 through 5 below, the Zoning Administrator Board of Supervisors may ~~by special exception~~ approve a reduction in required parking spaces. Applications for such a reduction shall include the following information and in the case of special exception shall also meet the in-addition to these requirements of Section 6-1300.

20. Amend Section 5-1102(F)(1)(c) as follows:
[page 5-140]

- (c) A covenant must be executed for a period of 20 years, guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Board of Zoning Appeals that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 5-1103. The Zoning Administrator will review the above completed application and make a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals may impose such additional conditions as are deemed necessary to protect and to assure compliance with the objectives of this section.

April 9, 2007 Work Session:

21. Add Sections 5-1508(D)(1)(c)(vi) and 5-1508(D)(1)(c)(vii) as follows:
[page 5-204]

- (vi) Sanitary Sewer lines, pursuant to Section 5-1508(E)(7) below.
- (vii) Water lines located within or directly adjacent to the right-of-way of existing or approved roads, pursuant to Section 5-1508(E)(8) below.

22. Add Section 5-1508(E)(7) as follows:
[page 5-208]

- (7) **Sanitary Sewer Line Standards:**

- (a) Where directional drilling can be utilized to install sanitary sewer lines across very steep slope areas and the drilling start and end locations do not result in land disturbance to very steep slopes, the crossing by means of directional drilling is permitted and the development standards in this section do not apply.
- (b) While determining the alignment of gravity sanitary sewer lines, every effort must first be made to avoid impacts to very steep slopes and minimize impacts to moderately steep slopes.
- (c) For the purpose of these development standards, the steep slope designations are based on the Loudoun County Steep Slopes Map.
- (d) Sanitary sewer lines may not cross more than 200 feet of any one contiguous very steep slope area. This maximum distance may be increased by the Zoning Administrator, up to an additional 300 feet, provided the longer crossing distance is found to minimize impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to: 1) geotechnical study, 2) geophysical study, 3) preliminary soils review, 4) U.S. Army Corps approved wetland delineation, 5) tree cover inventory, 6) Phase 1 archeological study, and 7) rare, threatened, and endangered species survey. If the proposed crossing exceeds 200 feet and the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas or the proposed crossing exceeds a total of 500 feet, a special exception application is required in accordance with Section 6-1300 of this Ordinance.
- (e) If blasting is required for sanitary sewer line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be attached as part of the grading plan.
- (f) No sanitary sewer lines shall cross steep slopes greater than 50 percent.
- (g) Sanitary sewer lines shall be aligned in a manner that minimizes disturbance to very steep slopes with existing tree cover. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements must include reforestation and tree preservation techniques to be reviewed and approved by the County Urban Forester.
- (h) Where very steep slopes cannot be avoided, construction methods that minimize easement widths and limits of disturbance shall be employed to the greatest extent feasible.

- (i) Prior to submission of grading plans to the County, the public entity responsible for the maintenance and operation of the proposed sanitary sewer line must conduct a field visit and certify that the grading plan minimizes impacts to steep slope areas and shows practical limits of construction.
- (j) Limits of disturbance shall be a sufficient distance from jurisdictional streams and wetlands so as to avoid negative impacts on such streams and wetlands, except as permitted by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality.
- (k) To minimize control failure associated with sliding debris and the operation of machinery within a confined area, two rows of super silt fence shall be installed as a perimeter control on the downslope side of the disturbed area. The inside row may be installed without filter fabric. The minimum spacing between the rows shall be 2-3 feet to allow for maintenance.
- (l) At a minimum, stabilization of disturbed areas shall consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook. In problem areas, as determined by the County, Treatment 2 can be required.

23. Add Section 5-1508(E)(8) as follows:
[page 5-208]

(8) Water Line Standards:

- (a) Where directional drilling can be utilized to install water lines across very steep slope areas and the drilling start and end locations do not result in land disturbance to very steep slopes, the crossing by means of directional drilling is permitted and the development standards in this section do not apply.
- (b) Where water lines cannot be located within or directly adjacent to the right-of-way of existing or approved roads or directional drilling is not an option, a special exception application is required in accordance with Section 6-1300 of this Ordinance.

24. Amend Article 8 definitions of Moderately Steep Slope Area and Very Steep Slope area as follows:
[pages 8-30 and 8-56]

Moderately Steep Slope Area: Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Very Steep Slope Area: Land areas with slopes greater than 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but

not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

25. Amend Section 5-1403(A)(2) as follows:
[page 5-164]

- (2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch diameter at breast height (d.b.h., measured at 4 and ½ feet above ground level) dba, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.

26. Amend Section 5-1403(D) as follows:
[page 5-164]

- (D) Any landscaping required by this Section that would fall within the area of a recorded sight distance easement granted to the County of Loudoun or the Commonwealth of Virginia shall be eliminated or reduced to meet the standards of such sight distance easement. permit site distances consistent with all current code requirements of Loudoun County and VDOT. This plant material must be located elsewhere on site in areas that provide room for viable plant growth.

27. Amend Section 5-1404(C) as follows:
[page 5-165]

- (C) The landscaping ~~measures, as~~ required by this Section and depicted on such ~~landscaping shall be shown on such initial~~ plan ~~and~~ shall be completed or bonded in accordance with current County requirements ~~policy according to specifications~~ prior to approval of any Certificate of Occupancy.

28. Amend Section 5-1406(E)(2) as follows:
[page 5-168]

- (2) If any property adjoins any existing or planned arterial road, except in the A-3, A-10, AR-1, ~~or~~ AR-2 or Village Conservation Overlay districts or where the Buffer Yard Type 5 is required by this Section, the required buffer yard shall be in accordance with Buffer Yard Type 3, however, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. This requirement may be waived modified, and/or reduced, or the location of the required berm may be adjusted by the Zoning Administrator, where necessary to preserve existing mature trees. No buffer yard shall be required for the A-3 and A-10 districts where such property adjoins any existing or planned arterial road

29. Amend Section 5-1413(C)(1)(a) as follows:
[page 5-173]

- (a) ~~Except where otherwise stated in this Ordinance, a~~ landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment. Where abutting parcels share a common access drive or parking lot circulation travelway, no such landscaping strip shall be required, provided that equivalent planting materials are provided elsewhere on the development site.

30. Amend proposed Table 5-1414(B) as follows:
[page 5-178]

<u>Table 5-1414(B)</u>					
<u>Required Plantings per 100 Lineal Feet of Property Line</u>					
<u>Buffer Yard Type</u>	<u>Canopy Trees</u>	<u>Understory Trees</u>	<u>Shrubs</u>	<u>Evergreen Trees</u>	<u>Other Requirements</u>
<u>(1) Type 1</u>					
<u>Front</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>10' minimum width</u> <u>25' maximum width</u>
<u>(2) Type 2</u>					
<u>Front</u>	<u>3</u>	<u>2</u>	<u>10</u>	<u>0</u>	<u>15' minimum width</u> <u>25' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>4</u>	<u>10</u>	<u>2</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>(3) Type 3</u>					
<u>Front</u>	<u>3</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>4</u>	<u>25' minimum width</u> <u>30' maximum width</u>
<u>(4) Type 4</u>					
<u>Front</u>	<u>4</u>	<u>3</u>	<u>20</u>	<u>0</u>	<u>20' minimum width</u> <u>30' maximum width</u>
<u>Side/Rear</u>	<u>2</u>	<u>5</u>	<u>10</u>	<u>8</u>	<u>25' minimum width</u> <u>30' maximum width</u> <u>A Six foot high fence, wall, or berm providing a minimum opacity of 95%</u>

April 23, 2007 Work Session:

31. Amend proposed Section 5-1403(E) as follows:
[page 5-164]

- (E) Except where a Type 5 Buffer is required, any property with frontage on an existing or planned four-lane divided roadway shall provide, in lieu of otherwise applicable landscaping, buffering and tree planting along such roads, a Type 3 Front Yard Buffer along the property's frontage on such road, regardless of the present or planned future use on properties on the other side of such road.

32. Amend Section 5-1508(B)(2)(a) as follows:
[page 5-202]

- (a) **Single Family Dwelling on Existing Legal Lot.** A legal lot of record, intended for single family development, may be developed for a single family detached dwelling use. Construction of a single residential use on a legal lot existing as of June 16th, 1993 is exempt from the requirements of Section 5-1508(D). Such exemption shall not apply to non-residential uses. Development on such lot shall be subject to all ~~other applicable~~ standards in ~~this~~ Sections 5-1508(E) and 5-1508(F).

33. Amend Section 6-403(A) as follows:
[page 6-12]

- (A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

34. Amend Section 6-701(C) as follows:
[page 6-26]

- (C) All nonresidential uses in the AR-1 and AR-2 Districts, ~~including all but excluding~~ permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category, ~~but not including that do not~~ involve access by the public as a part of such use. ~~basie-a~~ Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703 do not require a site plan.

35. Add the following definitions to Article 8:
[pages 8-3 and 8-30]

All-terrain vehicle (ATV): A small motor vehicle with three or four wheels designed for recreational use on various types of terrain.

Motorcycle: A two-wheeled automotive vehicle for one or two people. The operator must hold a valid driver’s license with a Class M designation or a motorcycle driver’s license.

36. Amend Article 8 definition of Lot Coverage as follows:
[page 8-27]

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

37. Amend Article 8 definitions of Setback as follows:
[page 8-44]

Setback: For the purposes of Section 5-600, use of the terms “setback” or “set back” means the building, structure, use, or activity shall be located the required distances from the point of reference (e.g. lot line, right-of-way or building, etc.). Required yards, ~~but not parking areas,~~ may be located in this setback area.

Setback: The minimum distance by which any building or structure must be separated from the ~~lot lines~~ point of reference (e.g. lot line, right-of-way or building, etc.).

April 30, 2007 Work Session:

38. Amend proposed Sections 2-903(OO), 2-904(CC), 4-203(A)(32), 4-203(C)(8) and 4-203(D)(7) as follows:
[pages 2-86, 2-87, 4-15 and 4-16]

2-903 Permitted Uses.

(OO) Training facility, accessory to a permitted or special exception use.

2-904 Special Exception Uses.

(CC) Training facility.

4-203 Permitted Uses.

(A) Neighborhood Center.

(32) Training facility, accessory to a permitted or special exception use.

(C) Small Regional Center.

(8) Training facility.

(D) Regional Center.

(7) Training facility.

39. Delete Section 4-104(D)(1):

[page 4-3]

~~(1) **Impervious Surface.** In no case shall the impervious surface ratio of any single lot or parcel developed under Sections 4-105, 4-106, 4-107, or 4-108 exceed seventy (70%) percent.~~

40. Amend Sections 4-305(B)(1), 4-405(B)(1), 4-505(B)(1), 4-605(B)(1), 4-705(B)(1) and 4-805(F)(1) as follows:

[pages 4-28, 4-37, 4-47, 4-57, 4-65 and 4-74]

(1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, ~~No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to the right of way of any arterial road, seventy-five (75) feet to any major collector road, and (35) feet to the right-of-way from any other road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road.~~ No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.~~areas between buildings~~

41. Amend Sections 4-306(C) and 4-406(C)(1) as follows:

[pages 4-30 and 4-38]

(C) **Floor Area Ratio.** .60 maximum; up to 2.0 maximum by Special Exception. Total floor area permissible on an individual lot shall not exceed .40 times the gross land area of the lot. However, the Board of Supervisors may permit a total floor area on an individual lot exceeding .40 times the gross land area of the lot as a part of approval of the Concept Development Plan, concurrent with the PD-OP amendment, or by amendment of an existing Concept Development Plan upon recommendation of the Planning Commission at any time after the original PD-OP amendment provided the following criteria are met.

- (1) **Maximum FAR Permitted.** ~~.60 maximum; up to 2.0 maximum by Special Exception. FAR shall not exceed .40 times the gross land area of the lot, unless allowed by the Board of Supervisors pursuant to paragraph (2) below.~~

42. Delete Sections 4-504(A)(1) and 4-504(A)(2):
[page 4-44]

- (A) Office, administrative, business and professional, ~~provided:~~

~~(1) The specific site and size of each building or part thereof to be so used is identified as such on an approved development plan, and~~

~~(2) The plan for development demonstrates a coordinated relationship between planned industrial uses and the offices under consideration.~~

43. Amend Section 4-1511 as follows: **(need text)**
[page 4-201]

4-1511 Density Calculations—Residential. For purposes of calculating the permitted ~~floor area and~~ number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

44. Add Section 4-1512 as follows:
[page 4-201]

4-1512 Density Calculations—Nonresidential. For purposes of calculating the permitted floor area in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

- (A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.
- (B) Except to the extent permitted in approved County Flood Plain Studies, up to 25% of the total land area within the Floodplain Overlay District in a watershed of 640 or more acres may be included as part of the land area for such calculations.

45. Amend Section 4-2104(A)(1) as follows:
[page 4-214]

- (1) **Average Front Yard.** Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards consistent with the of a distance equal to the average front yard of all principal buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed.

46. Amend Section 4-2104(A)(2) as follows:
[page 4-214]

- (2) **Building Height.** Proposed buildings shall have a building height no greater than 50% higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district. Notwithstanding the foregoing, accessory buildings within 150 feet shall not be included when determining the highest building.

47. Amend Section 4-2104(B)(3) as follows:
[page 4-214]

(3) **Sidewalks**

- (a) Sidewalks may shall be provided for the parcel or parcels being developed in accordance with on one side of all streets, or greater if required by the Facilities Standards Manual (FSM).

~~(b) Sidewalk connections. Connections to existing or planned sidewalks shall be made at the property boundaries of the project by incorporating and continuing all sidewalks stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All development plans shall provide for future sidewalk connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.~~

48. Amend Sections 5-900, 5-900(A)(1), 5-900(A)(3), 5-900(A)(11) and 5-900(A)(15) as follows:
[pages 5-124, 5-125 and 5-126]

5-900 Access and Setbacks From Specific Roads and the W&OD Trail.

(A) **Building and Parking Setbacks from Roads.**

(1) **Route 7.**

- (a) Fairfax County line, west to Broad Run. ~~100 feet.~~

(i) Building: 50 feet

(ii) Parking: 50 feet

(3) **Route 50.** Rt. 659 Relocated west to Fauquier County line. ~~200 ft.~~

(i) Building: 100 feet

(ii) Parking: 75 feet

(11) All other roads in Nonresidential Districts.

(a) Building: As specified in applicable district regulations.

(b) Parking: 25 feet unless otherwise specified in applicable district regulations.

(15) Modifications to Streetscape Consistency. Modifications may be allowed to these setbacks to maintain consistency with adjacent properties by Minor Special Exception.

49. Amend Section 5-1504(A) as follows:
[page 5-195]

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel. Notwithstanding, lighting at publicly owned or administered facilities utilized for athletic competition must not cause illumination in excess of 0.50 foot candles above background light levels.

50. Amend Section 5-626 as follows:
[page 5-56]

- (A) **Parcel Size.** Agriculture, Horticulture and Animal Husbandry uses shall be located on parcels ~~53~~ acres in size or larger.
- (B) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than ~~60~~ ~~100~~ feet from ~~the any~~ property line of an adjoining lots where a residential dwelling existing at the time of construction of the structure is the principal use. This setback shall not apply if,

~~unless such a~~ residential dwelling is located more than ~~60~~ 100 feet from the property line adjoining the structure.

51. Amend Section 5-627(C) as follows:
[page 5-58]

- (C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min.)	Size of Structures (Max.)	Setback from Lot Lines
Level I—small scale	57 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

52. Amend Section 5-630(B)(1), 5-630(C) and 5-630(E) as follows:
[pages 5-64 and 5-65]

- (B) **Size of Use.**

- (1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
All Other Uses		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support <u>use</u> (no direct association uses)	36,000 square feet

- (C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 80 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 150 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 200 ft.

(E) **Roads/Access Standards.**

53. Delete Section 4-1111(C):
[page 4-141]

~~(C) Off parking facility, freestanding. If the parking structure is not effectively shielded from the street by a building, the first floor of the parking structure shall be enclosed.~~

54. Add Section 2-505(E):
[page 2-63]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

55. Add Sections 2-605(E) and 2-606(F):
[page 2-70]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(F) Maximum Residential Density. One lot per 20,000 square feet calculated on the overall parcel, exclusive of streets.

56. Add Sections 2-705(E) and 2-706(F):
[page 2-76]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(F) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

57. Add Sections 2-805(E), 2-806(E) and 2-807(G):
[pages 2-81 and 2-82]

(E) Maximum Residential Density. One lot per 40,000 square feet calculated on the overall parcel, exclusive of streets.

(F) Maximum Residential Density. One lot per 15,000 square feet calculated on the overall parcel, exclusive of streets.

(G) Maximum Residential Density. One lot per 10,000 square feet calculated on the overall parcel, exclusive of streets.

58. Amend Section 5-633(B) as follows:
[page 5-69]

(B) **Site Size.** The minimum lot area for an airport/landing strip shall be ~~25~~ 80 acres, except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.

59. Amend Article 8 to add the following definitions:
[page 8-49]

Solid Waste Container: A container that is specifically designed, constructed, and placed for use as a depository for the storage of solid waste, which includes dumpsters, bulk containers, refuse containers, or other such containers specifically designated as waste receptacles.

Solid Waste Vehicle: Any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

60. Add Section 4-503(MM); Delete Section 4-504(S) as follows:
[pages 4-44 and 4-45]

4-503 Permitted Uses

(MM) Contractor service establishment, excluding retail sales and outdoor storage.

4-504 Special Exception Uses

~~(S) Contractor service establishment, excluding retail sales and outdoor storage.~~

61. Amend Section 4-507(E)(1), 4-507(E)(2) and 4-507(E)(7) as follows:
[pages 4-49 and 4-50]

(E) **Retail Sales as an accessory use.** Warehousing facilities may have retail sales as an accessory use in accordance with the following:

- (1) ~~Such warehousing facility stores goods for at least one retail establishment located in a zoning district where retail is a permitted principal use. Retail sales are permitted Friday, Saturday, Sunday and Federal Holiday Mondays only.~~
- (2) ~~At least eighty (80) percent of the gross floor area of the facility is devoted to warehousing facility use that is not a display area or retail sales area and is not accessible to the public.~~
- (7) Notwithstanding the requirements of Section 5-1102 Parking, the retail use shall require ~~four (4) one (1)~~ parking spaces per ~~51000~~ gross square feet ~~of retail area~~.

62. Amend Section 5-500 as follows:
[page 5-9]

5-500 Temporary Uses/Zoning Permits. These uses are permitted in all zoning districts, subject to the following.

63. Amend Table 2-102 and Table 2-202 to add “recreation establishment, indoor” as a special exception use in the AR-1 and AR-2 zoning districts, pursuant to Section 5-661.
[pages 2-9 and 2-32]

<u>Recreation establishment, indoor</u>	<u>S</u>	<u>Section 5-661</u>
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Add Section 5-661
[page 5-102]

5-661 Recreation Establishment, Indoor. Recreation Establishments, Indoor in the AR-1 and AR-2 shall be located wholly within one and one-half (1.5) miles of an incorporated town boundary and shall comply with the following standards.

- (A) **Minimum Lot Size.** Minimum lot size shall be 35 acres.
- (B) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
- (C) **Use Limitations.** Structures shall be sited to minimize visual impacts on adjacent properties and promote the rural character of the landscape. Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited; however, if, because of engineering constraints (e.g. utility easements, drainage, access easements, soil conditions, etc.) it becomes necessary to site a facility on a primary ridgeline or hilltop, then the applicant shall provide additional landscaping and buffering to mitigate the visual impact from adjacent public roadways.
- (D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(E) Road/Access.

(1) **General.** The recreation establishment, indoor use shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two direct points of access from a recreation establishment, indoor to a public road. This requirement shall not preclude an additional access for emergency vehicles.

(3) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

64. Add Section 6-206(H):
[page 6-6]

(H) To hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, pursuant to Section 6-1613, where the total area of land-disturbing activity within the Very Steep Slope Area does not exceed 2,000 square feet, and where the encroaching structure is a structure or use listed in Section 5-101(A) and is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area, as defined in Section 5-1508(C)(1)(a).

65. Add Section 6-1613:
[page 6-70]

6-1613 Special Exceptions for Errors in Very Steep Slope Areas. As provided in Section 6-206(H) of this Ordinance, the BZA may hear and approve special exceptions for Errors in structure location within Very Steep Slope Areas, when such error is an encroachment that does not exceed 2,000 square feet of land-disturbing activity within the Very Steep Slope Area, as defined in Section 5-1508(C)(1)(a), and is associated with a structure or use listed in Section 5-101(A) that is attached to a principal residential structure, and no portion of the principal structure is located within the Very Steep Slope Area.

(A) The special exception may be approved if the BZA finds that:

(1) Activities associated with the removal of the attached building, structure, or use would result in a net negative environmental impact, as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, such as, but not limited to: 1) geotechnical

study, 2) geophysical study, 3) preliminary soils review, 4) site plan, 5) grading plan, 6) structural analysis, 7) U.S. Army Corps of Engineers approved wetland delineation, 8) tree cover inventory, 9) Phase 1 archeological study, 10) rare, threatened, and endangered species survey, and 11) mitigation plan; and

- (2) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of a good faith error in location subsequent to the issuance of a building permit, if such was required; and
- (3) The noncomplying structure was constructed in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards; and
- (4) The noncomplying structure was constructed in a manner that does not increase the potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality; and
- (5) The noncomplying structure was constructed in a manner that preserves the visual quality of steep slope areas; and
- (6) The noncomplying structure will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- (B) In approving such encroachment under the provision of this Section, the BZA may prescribe conditions to assure compliance with the intent of this Ordinance, such as, but not limited to: 1) reforestation, 2) stabilization treatment, 3) landscaping and screening measures, and 4) water quality measures.
- (C) Upon the approval of a special exception pursuant to this section for a particular structure or use attached to a principal residential structure in accordance with the provisions of this Section, the same shall be deemed to be lawful.
- (D) The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

66. Amend Article 8 definition of Farm Market as follows:
[page 8-18]

Farm Market: A principal use which includes the sale of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced on-site or other property owned by the operator within the County.

67. Amend Section 4-503 to add permitted uses and amend Section 4-504 to delete special exception uses as follows:

[pages 4-42, 4-44 and 4-46]

4-503 Permitted Uses.

(C) Camp, Day.

(D) Child care center, pursuant to Section 5-609(B).

~~(KK)~~ Recreation establishment, outdoor or indoor.

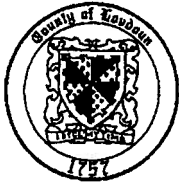
~~(LL)~~ School, public and private.

4-504 Special Exception Uses.

~~(AA)~~ Recreation establishment, outdoor.

~~(KK)~~ School, public and private.

Attachment 4



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, March 6, 2007 at 9:30 a.m.

IN RE: PLANNING COMMISSION ISSUES IDENTIFIED THUS FAR FOR THE ANNUAL REVIEW

Mr. York moved that the Board of Supervisors support the continued review on the ZORC recommendations.

Seconded by Mr. Snow.

Mr. York accepted Mr. Staton's amendment to allow the Zoning Administrator and the Planning Commission to work on a streamlined list of items to be included for review and to bring it back to the Board for approval.

Voting on the Amended Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; None - No.

COPY TESTE:

A handwritten signature in cursive script, reading "Denise Rypz".

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

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**PLANNING COMMISSION ISSUES IDENTIFIED THUS FAR FOR
THE ANNUAL REVIEW (MARCH 5, 2007)**

The Commission wishes to have the latitude to make recommendations regarding the Ordinance that is outside the scope of the ZORC draft. The Commission and ZORC representatives feel a responsibility to follow through on their collective commitment to revisit certain issues raised by members of the public during their prior deliberations. In addition, as a result of discussions coming out of the public hearing, additional topics may arise.

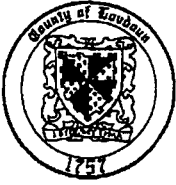
Following is a list of items that the Commission has discussed adding to the annual review:

- 1) §5-600 Performance standards regarding camps
- 2) All items “binned” by the Commission during the rural remapping amendments; they believe that there are a dozen or so items, to include such issues as:
 - a) Rural retreats and resorts, country inns, etc.
 - b) The creation of a new zoning district to allow for a different form of clustering in the rural areas (“rural village”);
 - c) Permit extension of central water and sewer to parcels contiguous to the villages, towns and JLMAs in order to protect the environment, address public health & safety and otherwise provide for the public benefit.
 - d) Allow alternative systems in the rural areas by special exception.
- 3) Resolve the disconnect between performance standards regarding three use categories “Agriculture”, “Agricultural Support Uses, Directly in association with an agricultural use” and “Agricultural Support uses, not directly associated...”

- 4) Consider all convenience stores to have gas pumps as a permitted use in the several zoning districts
- 5) Increase the floor area ratio more than the ZORC recommends in the PD-OP district
- 6) Consider indoor recreation facilities in the AR districts as a special exception use (similar to ZORC recommendation for A-3)
- 7) In the Transit Related Center District, eliminate the requirement that parking structures must be enclosed on the first floor when not screened by a building.
- 8) Review and revise as necessary Section 6-1800 & 6-1900 (historic districts)
- 9) Review and revise as necessary Section 5-1200 (Signs) with regard to sign area and the streets upon which they are located, to include performance criteria
- 10) Revise residential districts (Articles 2 & 3) to reflect density (dwellings per acre) and provide consistency with density credit regulations in Article 1.
- 11) Increase the minimum lot area for airport/landing strips.
- 12) Consider increasing the setback from the W&OD trail
- 13) Add definition of "solid waste vehicles & containers" to fully implement ZORC recommendation
- 14) Consider the Rural Economy Development Council recommendations to:
 - a) make changes to several use definitions
 - b) add clarity to open space and density definitions to include conservation easements,
 - c) consider allowing wetlands mitigation banking,
 - d) consider allowing combinations of seasonal uses,
 - e) clarify farm restaurant as a use, and
 - f) creation of a "sliding scale" approach to events, remove inconsistencies within Section 5-600.

This list is not exhaustive and reflects what the Zoning Administrator heard during the Planning Commission's recent meetings. Additionally, the Commission does not have clarity on whether amendments adopted since the ZORC draft was delivered are subject to the annual review (that is, the Rt. 50 initiatives, Water Reservoirs and the rural remapping).

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Loudoun County, Virginia

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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, April 17, 2007 at 9:30 a.m.

IN RE: RESOLUTION OF INTENT TO AMEND ZOAM 2006-0003, ANNUAL REVIEW, TO INCLUDE PLANNING COMMISSION'S REQUESTS

Mrs. Waters moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance as contained in Attachment 2.

Ms. Waters further moved to include the following amendments that were forwarded by Ms. Kurtz (1 and 2) and Mr. Burton (3):

- 1) As A-3 is being amended by ZORC regarding indoor recreation in A-3 District (A-3 is usually close to Towns), expand intent to amend under this item to include examination to allow indoor recreation an appropriate distance beyond the JLMA's and Town boundaries;
- 2) Expand intent to amend to include adding a Remedy to Steep Slope violations so that errors can be appropriately mitigated; and
- 3) Consider changing the definition of farm market as having to produce 25% of the produce on site to producing 25% of the produce within the County.

Seconded by Mr. Tulloch.

Ms. Waters accepted Mr. Delgaudio's friendly amendment to table the review of the performance standards for home occupation with regard to retail sales.

Voting on Ms. Waters' Amended Motion: Supervisors Burton, Clem, Delgaudio, Kurtz, Snow, Staton, Tulloch, Waters, and York - Yes; None - No.

COPY TESTE:

DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

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ATTACHMENT 2

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Loudoun County Zoning Ordinance to implement the recommendations made by the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Loudoun County Zoning Ordinance, consistent with the April 17, 2007 action item to the Board of Supervisors, to which this resolution is attached.

BE IT FURTHER RESOLVED that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) that these matters be referred to the Planning Commission for preparation of the ordinances; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation and Board of Supervisors' action.

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BOARD OF SUPERVISORS

ACTION ITEM

14

SUBJECT: Resolution of Intent to Amend the Zoning Ordinance
(To be rolled into ZOAM 2006-0003, Annual Review)

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

RECOMMENDATIONS:

The Planning Commission recommends inclusion of a limited number of additional zoning ordinance amendments to be rolled into ZOAM 2006-0003, Annual Review.

BACKGROUND: On December 19, 2006, the Board of Supervisors adopted a resolution of intent to amend the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") to implement the recommendations made by the Zoning Ordinance Review Committee (ZORC) as transmitted to the Board on February 10, 2006. The Planning Commission has held a public input session and several work sessions to discuss the ZORC recommendations.

In reviewing the text amendments proposed by ZORC, the Planning Commission identified a number of issues that are technically outside the scope of the amendments proposed by ZORC. On March 6, 2007, the Planning Commission requested that such items be rolled into the Annual Review. The Board directed the Planning Commission to work on a streamlined list of items for the Board to consider (Attachment 1). At this time, a new resolution of intent to amend the Zoning Ordinance (Attachment 2) is requested so that the issues may be rolled into the active Zoning Ordinance Amendment, ZOAM 2006-0003.

The amendments to be considered are:

1. Revise performance standards for Agriculture, Horticulture and Animal Husbandry [Section 5-626], Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry) [Section 5-627] and Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry) [Section 5-630] to resolve discrepancies for minimum lot size and setbacks.
2. Revise limitations for freestanding off-street parking facilities in PD-TRC [Section 4-1111(C)].
3. Revise residential districts in Articles 2 and 3 to reflect density (dwellings per acre) and provide consistency with density credit regulations in Article 1.
4. Revise performance standards for Airport/Landing Strip to increase the minimum lot area [Section 5-633].

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5. Revise Definitions [Article 8] to add a definition for "solid waste vehicles and containers" to fully implement ZORC recommendation.
6. Revise the PD-IP use list to add "contractor service establishment, excluding retail sales and outdoor storage" to the permitted use list in PD-IP, rather than a special exception use [Sections 4-503 and 4-504].
7. Revise performance standards for retail uses in PD-IP [Section 4-507(E)].
8. Revise performance standards for home occupation with regard to retail sales [Section 5-400(E)].
9. Revise Temporary Uses/Zoning Permits to clarify that this section pertains to all zoning districts [Section 5-500].
10. Revise steep slope definitions and development standards to differentiate between man-made and natural slopes, clarify review procedures for development in steep slopes areas and permit the development of sanitary sewer lines in very steep slope areas, subject to development standards. [Section 5-1508 and Article 8].

DRAFT MOTION(S):

1. I move that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance contained in Attachment 2.

OR

2. I move (an alternate motion).

ATTACHMENTS:

PAGE

- | | |
|--------------------------------------|--------|
| 1. March 6, 2007 Copy Teste and Item | A1 –A3 |
| 2. Resolution of Intent to Amend | A4 |

STAFF CONTACT(S): Melinda Artman, Zoning Administrator
 Marilee Seigfried, Deputy Zoning Administrator
 Amy Lohr, Planner

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